

Senate Hearings

Before the Committee on Appropriations

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Department of the Interior and Related Agencies Appropriations

Fiscal Year 1994

103^d CONGRESS, FIRST SESSION

H.R. 2520

PART 2 (Pages 1-316)
NONDEPARTMENTAL WITNESSES

SENATE COMMITTEE ON APPROPRIATIONS
RECORDED

JUN 29 1994

DEPARTMENT OF THE INTERIOR AND RELATED
AGENCIES APPROPRIATIONS FOR FISCAL YEAR
1994

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
UNITED STATES SENATE
ONE HUNDRED THIRD CONGRESS

FIRST SESSION

ON

H.R. 2520

AN ACT MAKING APPROPRIATIONS FOR THE DEPARTMENT OF THE IN-
TERIOR AND RELATED AGENCIES FOR THE FISCAL YEAR ENDING
SEPTEMBER 30, 1994, AND FOR OTHER PURPOSES

PART 2 (Pages 1-316)

Nondepartmental witnesses

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**DEPARTMENT OF THE INTERIOR AND RELAT-
ED AGENCIES APPROPRIATIONS FOR FIS-
CAL YEAR 1994**

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

NONDEPARTMENTAL WITNESSES

[CLERK'S NOTE.—The subcommittee was unable to hold the hearings on nondepartmental witnesses, but the letters and statements of those submitting written testimony are as follows.]

[The statements follow:]

STATEMENT OF GREGORY E. CONRAD, EXECUTIVE DIRECTOR, INTERSTATE MINING COMPACT COMMISSION

My name is Gregory E. Conrad and I am Executive Director of the Interstate Mining Compact Commission. I appreciate the opportunity to present this statement to the subcommittee regarding the views of the Compact's member states concerning the Fiscal Year (FY) 1994 Budget Request of the Office of Surface Mining (OSM) and the U.S. Geological Survey (USGS).

The Compact is comprised of 17 states that together produce some 75% of our Nation's coal as well as important non-coal minerals and that represent the eastern and midwestern regions of the country. Participation in the Compact is gained through the enactment of legislation by the member states authorizing their entry into the Compact and they are represented by their respective Governors who serve as Commissioners.

The Compact's purposes are to advance the protection and restoration of land, water and other resources affected by mining through the encouragement of programs in each of the party states that will achieve comparable results in protecting, conserving and improving the usefulness of natural resources and to assist in achieving and maintaining an efficient, productive and economically viable mining industry.

I. The Office of Surface Mining Budget

I will address four primary areas of concern that are included in OSM's FY 1994 Budget Request:

- funding of the Title V support grants to the states;
- funding to implement OSM automated databases;
- appropriation of moneys from the Title IV AML fund for state grants; and
- funding for research concerning regulatory and technical issues identified by states.

A. Title V Regulatory Grants

Under the provisions of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), primary regulatory authority for the implementation of the Act was vested in the states upon approval by the Secretary of a state regulatory program. Congress' intent in fashioning this state-lead concept was to account for the diversity in terrain, climate, and biologic, chemical, and other physical conditions in areas subject to mining operations throughout the country (Section 101(f)). In conjunction with this finding, and as one of the Act's purposes, Congress also provided for assistance to the states in developing and implementing regulatory programs to achieve the purposes and objectives of SMCRA. (Section 102(g)). More specifically, in section 705, Congress authorized the Secretary to make annual grants to the states for the purpose of assisting them in developing, administering and enforcing their regulatory programs under Title V of the Act.

The states have come to rely on these Title V grants as a critical portion of the funding necessary to carry out their responsibilities as primary regulators under SMCRA. The necessity of this funding has taken on increased importance in these days of strained state budgets that are struggling to meet projected regulatory needs and to keep pace with inflation. Without these grants, it is unlikely that the states would be able to maintain the comprehensive, high quality regulatory programs expected under the provisions of SMCRA.

We are at somewhat of a disadvantage to comment on OSM's proposed budget request for FY 1994 since the agency has not yet released its budget documents. Therefore our testimony will focus on the estimates provided to OSM by the states concerning Title V and IV grants. For the FY 1994 budget, the states had requested an amount for Title V state regulatory grants of \$56.1 million based on their projected program implementation needs. Over the past several years, OSM's budget request has met the states' request, demonstrating that OSM has recognized the need to provide the states with adequate funds to continue to administer their regulatory programs. Meeting the states' estimates of necessary funding will serve to offset the rising costs associated with the implementation of regulatory programs which includes such activities as reviewing mine permit applications, inspecting surface mining operations, and maintaining enforcement programs. We are hopeful that OSM's actual budget will reflect the states' estimate of \$56.1 million and we urge the subcommittee, in any event, to approve the amount requested by the states.

Should adequate funding of state programs not be perpetuated, the likely consequence will be the inability of the states to continue operating their regulatory programs. In addition to the impacts on the Congressionally-contemplated scheme of primacy, this scenario would have significant federal budget repercussions as OSM would be faced with the prospect of developing and implementing federal programs in those states that were forced to give up their own programs. In this regard, it is interesting to note that even without such an undertaking, OSM's operating budget has continued to increase from year to year, even though over that same period of time the

states have taken on more and more responsibility for the implementation of SMCRA. The states must be able to count on consistent, stable and continued federal funding of their programs in order to operate effectively and efficiently.

In addition to adequate funding of their Title V regulatory programs, the states are equally concerned about the effectiveness of the state/federal relationship called for under SMCRA. Congress incorporated the concept of cooperative federalism in SMCRA because of its belief that the states were in the best position to regulate mining operations within their borders while at the same time recognizing the need for a limited federal oversight role. Although this scheme of shared governmental authority breeds a natural degree of tension between state and federal regulators, the partnership of governments envisioned by Congress can and does work in the day-to-day implementation of SMCRA when states and OSM are communicating, coordinating and cooperating. In the long run, no amount of funding--be it federal or state--can take the place of an effective governmental relationship in terms of accomplishing the purposes and objectives of SMCRA.

As we undergo the advent of a new administration in Washington with new leadership at the Interior Department and OSM, we are looking for a reiteration of the Interior Department's commitment to cooperative federalism. There will be several opportunities in the ensuing months for the new administration to demonstrate its views on and commitment to primacy and an effective state/federal relationship. We have been somewhat dismayed at some of the early indications of where OSM appears to be heading in this regard, particularly on such important policy issues as use of Ten-Day Notices, permitting of sites where acid mine drainage is a potential problem, enhancements to the Applicant/Violator System, handling of alleged permit defects in primacy states and federal oversight of state programs. We have urged OSM to delay action on these issues until after the appointment of a confirmed Director or Assistant Secretary so that we are assured the issues will receive appropriate consideration at the policy making level. We firmly believe that for OSM to move forward on these and other sensitive policy issues without adequate state input and mutual discussions between the states and federal government will result in long term damage to the federal/state relationship and the effective implementation of SMCRA.

B. Funding of Automated Databases

Turning to the issue of adequate funding for existing OSM automated databases, we wish to address three databases: 1) the Applicant/Violator System (AVS); the Technical Information Processing System (TIPS); and 3) the COALEX Legal Research System.

As you know from our past testimony before your subcommittee, the states have worked with OSM for several years to build and operate the AVS, which is an automated database designed to block the issuance of permits to violators of SMCRA or state programs. OSM is now funding the states' participation in the operation of AVS at a 50 percent matching level. This funding arrangement became effective in FY 1993, having dropped from 100 percent funding in fiscal years 1990-1992. These funding requirements resulted from a settlement agreement between the Interior Department and environmental groups pursuant to which the states incurred significant responsibilities associated with the operation of the AVS.

The 50 percent matching funds in FY 1993 have been adequate to allow the states to meet their responsibilities pursuant to the terms of the settlement agreement and the memoranda of understanding between OSM and the states which grew out of the settlement agreement and under which we operate. There are, however, rumors that a new settlement agreement is in the works that will adjust, and potentially increase, the existing state responsibilities. Should this be the case, we urge OSM to be aware of the resource implications associated therewith. The best way for OSM to be attuned to the states' concerns is to provide the states a seat at the negotiating table for any new AVS settlement agreement. We request that the subcommittee support adequate funding in OSM's budget for state AVS responsibilities under both current or enhanced operation of AVS. Should we find that additional funding is required to meet any new obligations, we will contact the subcommittee.

One of the most successful programs of technical support for the states undertaken by OSM is the development of the Technical Information Processing System (TIPS). This national computer system is operated by OSM for use by the states in carrying out their technical regulatory responsibilities under SMCRA. TIPS assists in making technical decisions associated with permit reviews; performing cumulative hydrologic impact assessments; quantifying potential effects of coal mining; quantifying revegetation success; assisting in the design of AML projects; and preparing environmental assessments and environmental impact statements. During the past fiscal year, many of the states received "Next Generation" TIPS workstations which have enhanced the capability of the system.

We urge the subcommittee to support full funding for TIPS. In particular, we request that funding be provided for training of the states concerning the new TIPS "Next Generation" workstations. OSM has so far refused to allocate money for this much needed training. Without

providing training on the new system enhancements, states will not be able to make the most effective use of the system. Given state budget constraints, travel to OSM training sessions is impossible without federal funding. Funding should also be provided to cover maintenance costs for TIPS--estimated at \$200,000 per year. Finally, a one-time appropriation of \$134,000 is needed to fund OSM "Next Generation" workstations for the Pittsburgh Eastern Support Center, and the OSM Knoxville and Wilkes-Barre offices.

With regard to the COALEX Legal Research System, we urge continued funding for this valuable research tool. Both the states and OSM continue to make use of this computerized legal research system on an almost daily basis. The system provides searches to yield complete and accurate data in minutes, thereby eliminating the need for staff to manually search through volumes of documents. As implementation of SMCRA becomes more and more complex, the need for COALEX has increased. The states, in particular, have become reliant on the system's ability to assist us with the implementation of our programs and to address the myriad compliance actions that attend enforcement of our programs.

C. Funding of the Title IV AML Program

The Compact states also urge the subcommittee to fully fund the Title IV program for reclamation of abandoned mine lands (AML). In this regard, attached to this statement is a recent resolution adopted by the Compact concerning funding of the AML grants program. That resolution urges Congress to appropriate those monies that are collected annually from the Nation's coal operators (some \$220 million) to fund state AML grants under Title IV of SMCRA. As with Title V grants, the key here is stability, certainty and consistency. It is incredibly difficult for a state to effectively manage a program such as that provided under Title IV without the ability to rely on adequate, certain and consistent funding from year to year. We therefore urge the subcommittee to restore the state AML grants to a level that will allow the states to proceed with the valuable work being accomplished under these programs and that will provide the stable and consistent funding necessary for effective management of AML programs. Increased funding will also serve as a significant economic stimulant, generating hundreds of jobs associated with increased AML work. Finally, it should be kept in mind that annual AML funding has become increasingly important with the application of the allocation formula contained in the Abandoned Mine Lands Act of 1990 which became effective on October 1, 1991, particularly as it affects state grants.

We also support the resolution and position of the Association of Abandoned Mine Land Programs concerning adequate funding of the emergency program under Title IV.

STATEMENT OF HARRY A. CRUYE, JR., GILA FARMS BOARD

The Gila River Farms Board (Farms Board) would like to thank you and your staff for continued support of past funding requests, and the interest you have shown in our projects and the Gila River Indian Community (Community). The Farms Board first proposed the Sacaton Ranch South Phase 2 Project (Project) in FY93. The funding for the Project proposed in the President's FY94 Budget for the BIA was significantly less than the Farms Board's funding request for FY94. While the Farms Board realizes the need to reduce the federal deficit, the proposed Project provides needed benefits to the Community that far outweigh the cost of the program. Therefore the Farms Board is submitting this add-on request for FY94. The request for funding is as follows:

Activity/Element	Requested for FY94	In FY94 BIA Budget	Applied from FY93	FY94 Add-On Request
Resources Management/ Agriculture	\$2,769,711	\$996,000	\$500,000	\$1,273,711
Resources Management Construction/ Project Construction	<u>\$1,816,466</u>	<u>-0-</u>	<u>-0-</u>	<u>\$1,816,466</u>
TOTAL	\$4,586,177	\$996,000	\$500,000	\$3,090,177

In order to reduce the cost of the Project, the Farms Board has decided to apply \$500,000 from the FY93 crop establishment budget towards crop maintenance in FY94.

Many economic benefits will be derived from this development through: more jobs, increased profits from the Farm to the Community, increased profits reinvested by the Farm and the influence on the secondary economies.

Jobs are very important on the Reservation, where long-term unemployment rates have been around 38%. Direct employment opportunities through the continued development will be both short-term for construction and long-term for the cultivation and harvest of the crops. It is estimated that about \$1,500,000 of the estimated construction costs for the Phase 2 construction will be paid as wages, mostly to Tribal members. As the trees reach maturity, about 750 people will be employed with approximately \$500,000 per year paid as wages for labor required for the cultivation of the orchards. The harvest of the orchards will require about \$1,250,000 per year in labor expense.

The Plan of Operations under which the Farms is organized states that one-half of the Farms' profits will be paid to the Community. Historically, The Farms has been a dependable profit-making enterprise and has consistently returned profits to the Community. The crop budgets for the orchards indicate that the net income of the orchards after cultivation and harvest expense will increase from \$373,000 in 1997 to over \$5,500,000 per year in 2007, when all of the trees are mature. In addition, the 2,770 acres of other farmland in Sacaton Ranch South and Sacaton Ranch South Phase 2 will return an annual net income of \$650,000. After some of the Farm overhead expenses are deducted, half of the profits will be returned to the Community's general fund to be used for the benefit of Community members. The profits that are retained by the Farms will be reinvested to make the Farms more profitable. Historically, the Farms has used its' share of the profits to construct a cotton gin, grain storage facilities and hay barns and to improve farmland at other ranches. Plans for the future include a fish farm and citrus packing shed. All of these investments have improved the Farms' bottom line and provided jobs for Community members.

In addition to the direct benefits of jobs and increased profits that the project creates are the secondary benefits that go to the Reservation and surrounding communities. The increased money flow due to the project will improve secondary economies in areas such as construction and farm equipment, construction materials, trucking, product processing and farm supplies, as well as goods and services for the people who are employed in the jobs created by this project. Economists estimate that every dollar increase in economic activity in this industry will generate an additional three dollars in the secondary economy, therefore the \$13,000,000 requested for construction and crop establishment for this project will generate an additional \$39,000,000 in secondary benefits. Because of the increased acreage of the Farms due to the development of Sacaton Ranch South and Sacaton Ranch South Phase 2, there will be increased annual revenues from the crops of about \$12,700,000 per year which will generate about \$38,200,000 annually in secondary benefits.

The approval of this request will allow Gila River Farms (Farms) to continue the crop establishment program and irrigation construction on Sacaton Ranch South Phase 2 that you have supported for fiscal years 1987-93.

STATEMENTS OF FAITH T. CAMPBELL, CHARLES CLAUSEN, LAURA B. KING, AND SUSAN MILLER, ON BEHALF OF THE NATURAL RESOURCES DEFENSE COUNCIL

The Natural Resources Defense Council (NRDC) appreciates this opportunity to outline to the Congress our suggested approach to curbing the crisis facing our Nation's biological diversity, particularly on our public lands. To ensure that future generations of Americans can enjoy the many values of our rich biological heritage, we ask that you help close the gap between present funding levels and the need in the endangered species and related programs of the Fish and Wildlife Service, Bureau of Land Management, Forest Service, and National Park Service.

Our proposed increases would raise total funding for endangered species, NPS resource management, and alien species control programs from the FY93 level of about \$334 million to about \$600 million.

For endangered species, we join other conservation organizations in asking that you increase the amount spent by FWS, BLM, and FS from \$108.2 million to \$210 million. We suggest it be allocated as follows: FWS - \$115 million, BLM - \$25 million, and FS - \$70 million. Please see the attached tables for greater detail. We endorse the FWS' allocation formula which provides more money to those regions with higher numbers of endangered and threatened species.

Island ecosystems, such as those in Hawai'i and the U.S. Pacific, are especially vulnerable. By September 1993, the number of listed Hawaiian species will exceed 230. The requested increase in FWS consultation and recovery funds will be vital to ensuring protection and enhancement of the newly-listed species.

BLM'S 272 million acres in 13 states provide habitat for 191 endangered or threatened animal and plant species. By 1996, the number is expected to nearly double. NRDC's proposed appropriation of \$25 million would allow hiring of badly needed additional staff -- 67 botanists and 36 wildlife biologists -- and actions countering threats to our most imperilled wildlife. NRDC asks that the "special status species" funding be part of a total appropriation of \$62.6 million for BLM's wildlife program.

The 191 million acres in National forests or grasslands shelter 242 endangered or threatened species (including 91 plant species). NRDC supports doubling the T&E and sensitive species programs to \$70 million. Congress should continue its pressure to bring regions 1, 2, 3, 4, and 9 into full compliance with the expanded "sensitive plants" program.

NRDC supports increased emphasis on ecosystem protection. Sensitive management of relatively healthy ecosystems, or restoration of degraded ecosystems, is often the most efficient as well as biologically sound strategy for conserving biological diversity. However, true ecosystem management means ending the continued overemphasis on the "charismatic megafauna". In 1991, a mere 7 of the more than 600 U.S. species then listed received just over half the total reported expenditures of \$177 million. Plant species -- 49% of the American species listed -- still received a mere 2% of funds spent by all federal and state agencies. In the National Parks and National Wildlife Refuge systems, highly vulnerable tropical units do not receive enough funds to protect the resources which inspired their creation.

Many of the ecosystems managed by the federal agencies are besieged by a variety of external and internal threats, including the spread of damaging alien or exotic species. To counter these threats, NRDC recommends increasing funding for resource management in the National Park Service to \$200 million, with \$6 million specifically to counter alien species. Among the 109 National parks struggling to contain invasive plants are Great Smoky Mountains, Everglades, Mount Rainier, parks in the desert southwest, and Hawaii Volcanoes and Haleakala.

National parks and wildlife refuges in Hawai'i, where management and research focus exclusively on protection, also provide important leadership to the state and private landowners. However, the \$4,346,000 available for their work in FY93 needs to be increased to \$15,156,000 in FY94 just to allow them to stay even with increasing alien species and other impacts.

Funding the Bureau of Land Management's "noxious weed" program should be increased to \$500,000. We recommend increasing funding for several programs of the Forest Service: an increase of \$570,000 for Forest Insect and Disease Research; for Forest Pest Management (FPM), increase to \$14 million; and for the USFS program to manage "undesirable" plants, to \$3 million.

NRDC supports increases in fees charged for grazing and logging on the public lands; and a moratorium on patenting of mineral claims pending reform of the Mining Law of 1872.

NRDC supports restoring funding for the NPS' Western Hemisphere Program -- an increase of \$350,000. We support the Administration's request for \$1,060,000 for the Fish and Wildlife Service Office of International Affairs' Western Hemisphere program.

All responsible agencies must have adequate staffs to identify listed species' presence, determine impediments to their recovery, and carry out effective corrective measures. Thus, increased funds must be included in program "base" and be accompanied by appropriate increases in FTEs.

FISH & WILDLIFE SERVICE ENDANGERED SPECIES

Program	FY92	FY92 APPROP.	FY93	FY93 APPROP.	FY94	FY94 NRDC Goal
# spp. listed	1209 681 U.S.		1278 749 U.S.		1380 850 U.S.	
listing		7.378		6.279		15.320
prelisting		0.000		2.135		
consulting		8.130		9.602		23.450
permits		1.199		1.358		1.858
recovery		19.045		20.513		40.565
research		7.844		7.690		7.690
law enforcement		10.341		10.565		11.065
TOTAL		54.006		58.142		99.948
\$6 grants		6.600		6.565		15.065
GRAND TOTAL		60.606		64.707		115.013

Fish & Wildlife Service in Hawai'i and Pacific	FY93 Actual	NRDC FY94 Request
T&E Recovery	1,152,000	1,500,000
Forest Bird Research	1,317,000	1,968,750
Law enforcement	443,000	1,193,000
Refuge O&M	1,992,000	3,850,000

National Park Service in Hawai'i and Pacific	FY93 Actual	NRDC FY94 Request
HALE Research	147,000	443,000
HAVO Research	150,000	850,000
WRO research/Pacific parks	0	400,000

BUREAU OF LAND MANAGEMENT WILDLIFE HABITAT

Program Activity	FY92	FY92 Approp.	FY93	FY93 Appropri.	FY94	FY94 NRDC Goal
# spp. listed	133		191		240	
BLM Wildlife & Fish		34.137		36.876		62.000
T&E		9.800		12.000		25.000

FOREST SERVICE WILDLIFE HABITAT

Program Activity	FY92	FY92 Approp.	FY93	FY93 Appropri.	FY94	FY94 NRDC Goal
# spp. listed	200 +		242		300 +	
USFS Wildlife Habitat		112.500		117.904		200.000
T&E		28.850		31.466		70.000
T&E Plants		6.200				

STATEMENT OF SUE SHAFFER ON BEHALF OF THE COW CREEK BANK OF UMPQUA TRIBE OF INDIANS

The Cow Creek Band of Umpqua Tribe of Indians in southwest Oregon are basically a landless tribe, since the Evergreen Property, (purchased with a Bureau of Indian Affairs loan and in trust status), is a 28 acre commercial property on Interstate-5, not a natural resource reservation capable of producing tribal income. Considering the Spotted Owl and other problems confronting the timber industry, it appears that the possibility of the Cow Creeks ever having a reservation in the true sense of the word is highly unlikely. Land acquisition for this tribe will have to continue to be by purchase.

By the Cow Creek Treaty, signed Sept. 1853 and ratified April 12, 1854, the federal government recognized the sovereign status of the tribe. However, after the Rogue Indian Wars, 1855-56, no services were provided. This continued for nearly 130 years, (1856-1983). Although no services were being received when the Termination Act was passed, the tribe was terminated without their knowledge or consent. Under the Treaty, 800 sq. miles was ceded to the United States for 2.3 cents per acre. The treaty area lies in the Umpqua Watershed in southwest Oregon. The tribe received "recognition" by Congressional action on Dec. 29, 1982, (P.L. 97-391). Possessing no natural resource reservation from which to generate jobs or income, the tribe has endured a bleak economic situation.

The tribe has reached the point where it needs the assistance of Congress in helping to secure its future. We have not asked for a timber reservation. We have received no appropriations in the past and feel that this modest request will give us enough assistance so that we may expand our land base and retire some indebtedness on the tribal property.

Douglas County, where the tribe is located, has the highest unemployment in the State of Oregon. This county has the highest dependence on the timber industry. The tribe feels that we are in a position to create a considerable number of jobs, diversifying away from timber dependent jobs. It is not likely that the economy is going to improve here, given the present constraints on timber harvest.

The tribe is requesting the amount of \$300,000.00 be appropriated for the purpose of land acquisition and debt retirement on land presently being purchased, and to support the development of plans for a tribal center which will also serve as a center for our small community, which has no suitable place to hold meetings of any size.

The Board of Directors, which is the governing body of the tribe, all serve without pay, as do the members of the economic development corporation, (UIDC, Umpqua Indian Development Corporation). The UIDC Board is made up of five tribal members and four non-tribal members. The non-tribal members include a Small Business Administrator, (serving as UIDC President), a college professor, the area director of the major electrical utility company, and a former county commissioner.

The Cow Creeks are a fiscally conservative tribe, vesting the entire Judgement Fund of \$1,298,845.00 net, secured in 1984, in successful litigation in the Claims Court over the unconscionable price paid in 1853 for their homeland. The tribe draws only the annual interest to finance special, limited programs. Those programs include Elderly Assistance, Higher Education and Vocational Training, Housing Assistance, Economic Development and Tribal Center, and the interest from \$50,000.00 for Miscellaneous Tribal Activities. Given the interest rates for the past few years, which have been very low, tribal income is meager indeed.

The tribe has also put up \$315,000.00 as collateral for the loan under which it has purchased the Evergreen Property, a tract of 28 acres in "trust" in Canyonville, Oregon. This property has full services of water, sewer, and electricity. It fronts on Interstate-5, the major north-south transportation corridor on the West Coast. The Bureau of

Indian Affairs provided a direct loan to assist in this purchase. The tribe has serviced the loan with interest from its vested Judgement Fund and from limited rental income from trailer sites on the property, which produce a net average of approximately \$500.00 per month. The annual payment due Jan. 18, 1993, was \$31,205.68. Judgement Fund interest earned, specified for this payment, was \$14,938.78, leaving a shortfall of \$16,266.90. Until interest rates rise, the tribe will remain in the position of having to subsidize the payment and frankly, we do not know how we will be able to meet next year's shortfall. Although this amount does not seem to be sizable, it is, to a struggling tribe with limited resources. We have had to scrape together sufficient funds to meet this payment. Our financial situation would be entirely different if we had a natural resource reservation to provide income.

In 1990, in order to block up its land holdings and secure frontage on the nearby South Umpqua River, the tribe purchased an adjacent 17 acres for \$185,000.00, (under the appraised price), with a down payment of \$62,500.00 made available to us through a "Land Acquisition" Grant. The property was purchased on a land sales contract with the previous owner. In order to complete its reservation tract, the tribe needs to secure two contiguous tracts, one on the north border and another parcel, with highway frontage on the south side of the trust land.

The Cow Creeks have secured widespread community support for their activities. The City of Canyonville, which adjoins the Evergreen Property on the south, the South Douglas County Industrial Board, the Coos-Curry-Douglas (tri-county) Economic Development Board, the Douglas County Commissioners and the Canyonville Chamber of Commerce have all endorsed the economic plans of the tribe.

In December of 1991, the tribe secured a direct loan from the Bureau of Indian Affairs in the amount of \$825,000.00 for the construction of the bingo facility. On April 30, 1992, the Cow Creek Indian Bingo Center opened its doors, providing nearly 40 jobs for the tribal membership and the local community. All proceeds from the Bingo facility are dedicated to the repayment of the construction loan. Therefore, income for alternative tribal debts is not available.

Under consideration at the present time is a project that the tribe has been exploring for the better part of a year. During the last three months, however, the tribe has vigorously explored the possibility of development of this particular project. Tribal representatives have met with potential developers, brokers and consultants on this project. On December 10, 1992 a very impressive feasibility study was conducted and approved by the Tribe. The nature of this project is currently confidential information. However, initial studies project a single shift crew of 35 - 40 tribal members. We are confident that a second shift will be added soon after opening, with anticipation of a third shift.

Development of the Evergreen Property will have immediate, important benefits to the tribe and surrounding community. It will generate revenue for municipal services, draw from existing utilities, stimulate employment and spending in the area, use and stimulate the vocational-education programs of Umpqua Community College and serve tourism, Oregon's second industry.

The Cow Creek Band of Umpqua Tribe of Indians has proven its stewardship, succeeded in its good relationships with the surrounding non-Indian community, and planned carefully for tomorrow. The tribe has involvement in several projects with such organizations as the Douglas County Historic Resource Review Committee, the Umpqua Region of Project Literacy, Umpqua Community College, State of Oregon Children Services Division and several other state and local agencies and businesses.

Please give serious consideration to this request.

STATEMENT OF ELWOOD LOWERY, TRIBAL CHAIRMAN, PYRAMID LAKE PAIUTE TRIBE

This appropriation request seeks funding to implement provisions of P.L. 101-618, which was signed into law November 29, 1990. The Pyramid Lake Paiute Tribe is a party to this Act. P.L. 101-618 is a water settlement act which will have a major impact on the future of the Tribe. Funding is being sought to implement provisions of the Act. The total sum requested is \$3,767,979, but \$1,500,000 would not count as a budget outlay. The Bureau of Indian Affairs is the agency responsible for distribution of these funds.

FISHERIES FUNDING

P.L. 101-618 consists of 10 sections, whose time frame for enactment range from 1 to 5 years. Section 208 establishes a 25-million dollar trust account to fund the operation of the Tribal fish hatcheries. This fund was established during FY 92 and the Tribe thanks Congress for enacting this part of the legislation. However, some details regarding the creation of this fund need to be resolved. Specifically, Section 208 (a-2-B) of the law states the value of the fund's principal is to be maintained at a value of 25 million dollars based on 1990 constant dollars. This being the case, a total of 26.5 million dollars should have been appropriated in 1992. This is based on the fact that inflation during 1991 was 4.2 percent and inflation during 1992 was 3.0 percent. The fund was established during 1992, with half of the trust fund being created at the beginning of FY 92 and the other at the very end of FY 92. The 26.5 million dollar values applies one half of 1992's 3% rate of inflation and the full 4.2 % rate for 1991.

This appropriation seeks \$1,500,000 to keep the principal adjusted for the effects of inflation for 1991 and half of 1992. This appropriation would only increase the principal of the Trust Fund and could not be spent. Technically, this would not constitute an outlay for budget purposes. This is based on the fact that the Tribe cannot spend the principal in the fund, only the interest earned on the principal. The fund's principal must remain intact in the U.S. Treasury.

The Tribe would also like Congress to appropriate \$767,979 to the interest account in the fisheries fund. The basis for this request is to offset the effects of the time delay which occurred in establishing the fisheries fund. As stated earlier, half the fund was created at the beginning of FY 92 and the balance was created at the end of FY 92. This split resulted in both lost interest and a declining interest rate environment. Long term rates had fallen over 100 basis points by the time the entire fund was established. This decrease in the earning power of the fund will be felt for years. Without these adjustments, the Tribe's fisheries fund will be starting with less money than Congress contemplated when P.L. 101-618 was enacted. In closing on this issue, we thank the Congress for its foresight in establishing the Tribe's fisheries fund and trust you will find this an equitable end to this issue.

SETTLEMENT IMPLEMENTATION

The second request is for funding technical services to assure the Tribe is fairly represented through the settlement process and to allow the Tribe to prepare the plans that are required by the Settlement Act. Final enactment of P.L. 101-618 requires a complex River flow operating agreement be reached between the Tribe, the State of Nevada, the State of California, the Federal government, and other interested parties. Agreements must also be reached on the issues of water meters, water conservation, and a recoupment plan to recover water illegally diverted from the Truckee River. These arguments are being reached through a series of negotiating sessions. A lot is at stake in these negotiations. The States are well represented by legal and technical experts. The tribe's technical team consists of a single attorney and a hydrologist. In the past, the BIA has provided funds for these services, and the Tribe is grateful. This last year Congress appropriated \$350,000 requested by the Tribe for which the Tribe is grateful as well. However, the additional funds Congress provided for settlement implementation were supposed to supplement funds the Tribe has been receiving through the BIA's regular programs for water resources and attorney's fees. Congress recognized that the BIA funds were not sufficient. But when Congress appropriated the supplemental funds, the BIA

responded by severely reducing or even eliminating the funding that the Tribe had been receiving through its other programs. In order to meet the demands of this next year, the Tribe is seeking additional funding for its technical team, in the amount of \$240,000.

Typically, the Tribe provides \$240,000 of its own funds to cover the costs of litigation support. By assuming this financial burden in the past, the Tribe has learned to watch expenditures closely and select a technical team that is highly credible and does not waste time getting results. If Congress appropriates litigation support funds at \$240,000, the Tribe will not have this financial burden. These funds should be placed in a BIA 638 Self-Determination contract for the Pyramid Lake Tribe. The \$240,000, if provided, should not affect existing BIA programs.

\$260,000 would go toward the services of a tribal economic development planning staff. Section 208 of the Statute creates a Trust account to serve as an economic development fund for the Tribe. The Tribe must prepare and adopt an economic development plan in consultation with the Secretary of the Interior before any of these funds can be released. Funds from this account would not be available until 1996. This is only a few years away, so now is the time to start the planning process.

This trust account is the Tribe's only real opportunity to become economically self-sufficient. The tribal membership seeks job opportunities, but they do not want a mad rush for development upon release of funds. The Tribe seeks lasting opportunities for its people. Now is the time to begin the planning process, so the entire Tribal membership will be allowed to participate. In summary, the Tribe is asking for \$240,000 for legal fees, and \$260,000 for development of an Economic Plan, totalling \$500,000.

In closing, the Tribe is thankful for the funding Congress has provided to the Tribe to support the settlement implementation process. The Tribe is counting on Congress to continue funding the Tribe's representation in Settlement negotiations during FY 94. If these funds are not received, the Tribe will have to reevaluate its involvement in aspects of the settlement process and cutback significantly on implementation efforts that have already begun.

RECOVERY PLAN IMPLEMENTATION

Section 207 of the statute directs the Secretary to revise, update, and implement plans for the conservation and recovery of the cui-ui, pursuant to the Endangered Species Act, as amended. The U.S. Fish and Wildlife Service established a recovery team for the endangered cui-ui in 1989. The teams' final plan was signed by the Regional Director of the Fish and Wildlife Service in May 1992. Implementation of the plan should begin immediately, now that the plan is final. The Recovery Plan identified that recovery of the cui-ui will require increased water inflows to Pyramid Lake. The plan states that an equivalent of 110,000 acre feet of additional annual flow to Pyramid Lake is required to de-list the cui-ui. The implementation schedule of the recovery plan included water rights purchases. The plan stressed the need to begin the purchase program as soon as possible. If funds are not provided in FY-94 there will be a significant delay. The plan identified the need for prompt action. Delays in implementing the plan will necessitate a higher level of water purchases than would be required if action were immediate. The value of water rights is also increasing, which will drive the ultimate cost of the purchase program even higher.

The Tribe, through BIA-638, is requesting \$1,000,000 for its Tribal Water Resources Department to begin implementation in 1993. This amount of money is a modest starting point. It is less than the \$1.2 million that Congress appropriated in 1988 for the Stillwater Wildlife Management Area's water rights purchases. The intent is to develop the mechanics of an acquisition program. Firm market data will be obtained to begin the implementation process. This will include the number of willing sellers, acreage available, value of water rights, and the transfer process. Lands that will yield the greatest quantity of water for Pyramid Lake and that will improve the water quality in the Truckee River by reducing non-point source loading will be sought. The Tribe will assure these purchases will not compete with existing Federal water purchase programs for the Stillwater Wildlife Management Area.

STATEMENT OF FRITZ E. BROWN, PRESIDENT, QUECHAN INDIAN TRIBE

Mr. Chairman, the Quechan Indian Tribe would like to request an add-on appropriation during Fiscal Year 1994 in the amount of \$2,277,000 for the Rehabilitation and Betterment of the Quechan Irrigation Project through the Irrigation Branch of the Bureau of Indian Affairs. Congress previously appropriated money for this project during fiscal years 1990 and 1991, in the amounts of \$1,280,000 and \$1,000,000, respectively.

The Bureau of Indian Affairs and the Bureau of Reclamation support the Rehabilitation and Betterment of the Quechan Irrigation Project. To date, the President's budget request has not included funds to support this project. The Tribe is working with the Bureau of Indian Affairs to have this project included in the President's budget request for fiscal year 1995.

The Fort Yuma Indian Reservation consists of 43,561 acres located in Southeastern California and Southwestern Arizona. The irrigated area of the reservation forms a triangle lying between the All American Canal and the Colorado River. This area encompasses approximately 7,556 acres.

The Quechan people inhabited the Colorado Valley since approximately 800 A.D. The Quechan farmed the rich bottom lands on both sides of the Colorado River for centuries before the white settlers came to this area.

The Fort Yuma Indian Reservation was established by Executive Order on July 6, 1883, in the Territory of Arizona for the Yuma and other Indians. The reservation was then redefined by an Executive Order on January 6, 1884, establishing the reservation in California. As established, the reservation was comprised of 48,608 acres.

The Quechan then sought the assistance of the Federal government in establishing an irrigation system for these rich bottom lands. The Act of April 21, 1904, authorized the reclamation of Yuma Irrigable lands under the Reclamation Act of June 17, 1902. The eastern portion of the reservation, now known as the Bard area, contained 7,756.54 acres and was opened to non-Indian settlers.

These lands were all sold by 1949. As required by the Act of 1904, the proceeds of the disposal of these lands were to pay into the reclamation fund the charges for the reclamation of said allotted lands, and the remainder thereof deposited into the Quechan Tribe's account for their benefit.

The Quechan Irrigation Project is inter-related and inter-dependent upon the Bureau of Reclamation's Yuma Project, Reservation Division, as well as the Imperial Irrigation District and the Bard Water District. The purpose of the project is to enhance the Fort Yuma Quechan Agricultural development by alleviating suffering from a high water table, inadequate drainage system, and an inadequate distribution system which has destroyed and/or restricted the productivity of its agricultural lands.

The high water table occurs in lands located in the northern and western regions of the reservation which are adjacent to the All American Canal. The water table is approximately three to four feet below the ground surface. Crop growth in this area is adversely affected by reduced root volume and high soil salinity levels. This area is served only by an interceptor drain for the All American Canal.

The Rehabilitation and Betterment of the Quechan Irrigation Project would include the addition of drains in the north and western

regions of the reservation along the All American Canal. In turn, these drains would reduce the water table, alleviate the soil salinity and increase root volume and ultimately allow these lands to once again become fully productive.

Several aspects of this Rehabilitation and Betterment program are slated for the improvement of the water delivery system on the reservation. The existing canals and laterals are earthen and frequently break, resulting in loss of water. By lining the canals and laterals with concrete or replacing them with pipeline two major benefits are realized. First, the water delivery is improved and the time spent to irrigate fields is cut in half. Second, water is conserved and there would be little or no seepage as seen now in the earthen ditches. The Irrigation Engineer for the Quechan Irrigation Project reported in September 1992 that the improvement of the water delivery system will result in a savings of twenty percent of the water now used.

The Tribe is also working with the Bureau of Reclamation to install a new turnout from the All American Canal to the Ypsilanti Canal. This turnout will also help to improve water delivery to the reservation.

Agriculture is a growth industry in Imperial County, California, and Yuma County, Arizona. Due to low rainfall and a long growing season, this area has become the Lettuce Capitol of the United States. In addition to lettuce, other cash crops grown on the reservation are melons, wheat, alfalfa and cotton.

Tribal and individual allotted lands are leased to area farmers to grow cash crops. The revenue realized from these leases benefit the Tribe and its individual members. The Rehabilitation and Betterment of the Quechan Irrigation Project will insure that the Quechan Indian Tribe and the individual land owners will reap maximum benefits from the changing agricultural economy.

The Quechan Tribe greatly appreciates the past support of the Congress in meeting its funding needs for this worthwhile project, and urges the continued support of the Congress in granting this add-on request during FY 1994 in the amount of \$2,277,000.

Mr. Chairman, thank you for this opportunity to appear before the Committee.

STATEMENT OF DR. THEO COLBORN, SENIOR FELLOW, WORLD WILDLIFE FUND

I am Dr. Theo Colborn, Senior Fellow with the World Wildlife Fund, where I manage the Wildlife and Toxics Project. I want to encourage increased support of the Environmental Contaminants Program of the U.S. Fish and Wildlife Service, specifically \$24 million for the contaminants investigation and \$16 million for the cleanup components. I recognize that these levels represent a very substantial increase from current funding levels, but in my view, they are both essential and practical. They are in fact the "Tier III" budget levels suggested by the Fish and Wildlife Service in its recent "Comprehensive Strategy for the Future" report, which I commend to your attention. There are very compelling reasons for these funding levels.

Over the past six years I have put together a comprehensive database on the effects of toxic chemicals on wildlife and humans. As a result of a synthesis of this material, a major change has taken place in the perception of risk due to exposure to toxic chemicals. The dominance of cancer as the effect of primary concern in assessing risk has been challenged by new evidence that the disruptive effects of toxic chemicals on the developing offspring's immune, nervous, and endocrine systems are equally as devastating and far more widespread than cancer. These effects are not only expressed as obvious structural birth defects, but as loss in function, which is invisible and difficult to quantify. In wildlife, it means premature death, in humans it means loss of potential and a reduction in quality of life. These findings first came to light from the investigative activities of a handful of wildlife biologists.

To give to a sense of the seriousness of the problem and the consensus that is beginning to build around the issue of non-cancer health effects of chemicals, I would like to refer to the first chapter of a recent book I edited, entitled "Chemically Induced Alterations in Sexual and Functional Development: The Wildlife/Human Connection". In this chapter, the scientists who contributed to this book come to the conclusion that "a large number of man-made chemicals that have been released into the environment .. have the potential to disrupt the endocrine systems of animals, including humans." (The endocrine system is made up of glands that produce hormones that affect fertility and behavior and regulate body function on a daily basis and throughout our lifetime.) "Unless the environmental load of synthetic hormone disruptors is abated and controlled large scale dysfunction at the population level is possible," including the human population. These conclusions are based in part on the information about troubled wildlife populations on the North American Continent and elsewhere that is analogous with information on laboratory and human experiences attributed to exposure to synthetic, hormone-like chemicals. In this case, the wildlife were the first to send signals that something was seriously wrong within the biosphere.

It is important to point out that the US Fish and Wildlife Service is the primary agency responsible for anadromous fish, endangered species, migratory birds, some marine mammals and their habitats. Of widespread concern for the Service are the potential and real impacts to these resources from the introduction and persistence of certain chemicals in the environment. Since World War II we have flooded the environment with thousands of synthetic compounds that we assumed were benign and would be assimilated like traditional pollutants, and as such, counted on dilution in air, water, and soil as the solution to pollution. We realize now, over fifty years later that traditional pollution strategies did not work when dealing with these synthetic non-traditional pollutants, and as a result wildlife populations across the nation are in trouble. I am enthusiastic about the Environmental Contaminants Program because it is truly a non-traditional program staffed and designed to deal with the toxics problem. As the twenty-one scientists who signed the Consensus Statement agreed, this investigative work is badly needed. The fact that these chemicals have become such a threat is evidence that traditional approaches to pollution are not working and something new is needed.

Environmental contaminants (EC) biologists conduct a wide array of activities that are proactive and aimed at preventing the adverse effects of contaminants on endangered species and other fish and wildlife, very much a part of the non-traditional approach. Specifically, I should like to tell you more about the two components of the EC for which I have requested funding:

Contaminant Investigations

Investigations are initiated at the field level to define known or suspected contaminant problems on refuge areas and at areas where trust resources may be impacted. I call this forensic science -- going into the field and doing the necessary detective work to describe the damage and getting at its source. In the past two years the EC program has conducted over 100 investigations both on and off Service lands. Some examples of completed investigations include a studies of: Forster's terns in Green Bay on Lake Michigan in which effects on the terns were undeniably associated with exposure to PCBs and provided a break through in the new science of toxic equivalents; the Niagara River, New York which documented evidence of cancerous tumors; and the Albermarle-Pamlico Sound in North Carolina, the upper Texas coast, and the prairies pothole region wetlands which identified contamination of wetlands and migratory bird habitat.

Contaminant Cleanup

Cleanup and restoration activities involve studying identified environmental contamination problems, recommending options to remediate or cleanup resources on and off Service lands and implementing restoration measures. It is important that the EC has money to attack the problems they undercover when in the field. Service involvement in these activities relates to trustee responsibilities and compliance with environmental protection legislation including CERCLA (Superfund) and RCRA. The Service is directly responsible for every aspect of the cleanup process including the site hazard and waste characterization studies, remedial investigation and feasibility studies, and selection and implementation of remedial action. Off Service land activities include technical assistance to other agencies to ensure consideration of fish and wildlife resources in the development and selection of site remedies.

EC staff have begun cleanup activities at the Crab Orchard National Wildlife Refuge (NWR) Superfund site located in Illinois, the Parker River NWR in Massachusetts, the Great Swamp NWR in New Jersey, and the Patuxent WRC in Maryland. Thirty five additional projects in all seven regions of the Service are funded for cleanup activities in 1993.

In more general terms, through its current resource management initiatives, the US Fish and Wildlife Service has confirmed that many sensitive and essential wildlife habitats are suffering from the encroachment and long-term adverse impacts of non-point source pollution and other contaminant insults; and that these events are a source of exposure to toxic chemicals for wildlife populations. The Environmental Contaminants Program provides the Service with the capability to assess contaminants pathways, to prevent exposure, if possible, and to clean up areas exposed to a full range of environmental contaminants. Contaminant specialists identify contaminant related resource issues, conduct investigations pertaining to endangered species management, provide technical expertise to other fish and wildlife programs such as wetlands dredge and fill permits and hydropower licensing, and contribute to fish and wildlife resource programs inside and outside the Service directed at maintaining environmental health and integrity.

In addition, I should like to point out that in safeguarding fish and wildlife resources the Service has taken a leadership role again through its ecosystem oriented approach -- a role that other agencies have been precluded from assuming because of the restrictions of unit boundaries, regulatory standards, or criteria. The US Fish and Wildlife Service has also provided leadership in the field of biologic markers; these are early markers of exposure in the form of biochemical changes that can be predictors of long-term adverse health effects -- so important when working on prevention. It is not general knowledge, but some of the biologic marker techniques developed by EC biologists are now being applied in human epidemiological studies. Despite the fact that these operational investigations have been done on a shoe string budget, this nevertheless has been "cutting edge" science.

New evidence crosses my desk almost daily that the toxic chemical problem is not going away, but only getting worse as we begin to understand the less visible, insidious effects that are the result of exposure to these chemicals. Unfortunately, the Service cannot keep up with the problem under its present budget allocation. In order to stay abreast of the long list of prevention actions that are emerging, the Service is going to need more money. As long as the Environmental Contaminants Program is underfunded, it will never be able to become proactive and will be relegated to responding to environmental contaminant insults, and ONLY for those priority cases that need immediate attention and cleanup. I need not remind you that an ounce of prevention is worth a pound of cure.

The Senate Interior Appropriations Subcommittee has the opportunity to support the Service's efforts to build an investigative and cleanup capability into its Environmental Contaminants Program. This is sorely needed to assure the survival of wildlife species and, incidentally, the human race as well.

Thank you for your attention.

Dr. Colborn earned her PhD in zoology with a distributed minor in epidemiology and toxicology at the University of Wisconsin, Madison. Her field research was at Rocky Mountain Biological Laboratory, Gothic, Colorado. Her MA in freshwater ecology at Western State College of Colorado; and her BSc in pharmacy at Rutgers University. She was a Fellow at the Office of Technology Assessment before moving to the Conservation Foundation, where she provided the science for the book "Great Lakes, Great Legacy?" released in 1990 jointly with the Institute for Research and Public Policy, Ottawa. Dr. Colborn has consulted for Environment Canada, Health and Welfare Canada, the International Joint Commission, USEPA, the Agency for Toxics Substances and Disease Registry (ATSDR), and the UNEP Marine Mammal Task Force, to mention a few. She is a three-year recipient of a Fellowship from the W. Alton Jones Foundation and was the 1991 recipient of "The National Water Alliance Award for Excellence" in protecting the nation's aquatic resources. She recently edited a book entitled "Chemically Induced Alterations in Sexual and Functional Development: The Wildlife/Human Connection".

STATEMENT OF CHRISTINE STEVENS, SECRETARY, SOCIETY FOR ANIMAL PROTECTIVE LEGISLATION

On behalf of the Society for Animal Protective Legislation, I request a total of \$28,442,000 for the additional Special Agents and Wildlife Inspectors needed to enforce the wildlife protection laws of the United States.

The uncontrolled U.S. demand for exotic birds as pets has pushed some of the world's most beautiful species to the brink of extinction. Millions of birds have died en route in appalling conditions. Hundreds of thousands of protected birds were laundered into the "legal" trade. At last the Wild Bird Conservation Act was enacted and became effective October 23rd of last year. The Society for Animal Protective Legislation estimates the cost of enforcing this legislation, for which no funds at all have yet been made available, at \$770,000, which would provide three additional Special Agents, eight Wildlife Inspectors, and two clerical personnel, plus estimated \$55,000 for travel expenses.

The Office of Management Authority must promulgate regulations to enforce the new law, monitor trade and biological status of the birds, and process petitions and permits. Additional funding of \$700,000 is needed for these mandated activities.

The 1994 Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is scheduled to take place in the United States. An appropriation of \$300,000 is needed for this purpose.

The North American Free Trade Agreement (NAFTA) is expected to result in a major increase of wildlife trade across the United States' borders with Mexico and Canada. Already the Fish and Wildlife Service Law Enforcement Division is so shorthanded that severe smuggling operations, especially with respect to wild birds, cannot be prevented. FWS has to rely largely on the U. S. Customs Service inspectors to monitor wildlife trade, but Customs puts a low priority on wildlife inspections. FWS agents have recently trained 92 Mexican border inspectors to enforce requirements of the CITES, but the U. S. itself has only seven inspectors on the border!

Additional Wildlife Inspectors and Special Agents are needed at El Paso, Houston, McAllen, Laredo, and Del Rio, Texas; Nogales, Arizona; and San Diego, California. Congressman Richard Lehman, when he conducted oversight hearings last year, stated that only 9% of wildlife shipments were inspected in San Diego--this prior to any action on NAFTA.

With respect to Canada, the ports of Buffalo, New York; Pembina, North Dakota; Detroit, Michigan; Minneapolis-St. Paul, Minnesota; and Blaine, Washington do not have adequate coverage to deal with NAFTA.

Enforcement of wildlife law in the Pacific Islands has fallen far behind the need because of a rapidly growing trade in products made from sea turtles, a variety of reptiles, and ivory. We recommend that two Special Agents and two Wildlife Inspectors are be assigned to this duty.

Another Special Agent is badly needed in Bethel, Alaska, centrally located in the Yukon-Kuskokwim Delta, to enforce the Migratory Bird Treaty and legislation protecting four species of wild geese that are being overexploited.

Besides necessary increases in enforcement personnel, \$1,000,000 is necessary to meet the increased workload at the National Fish and Wildlife Forensic Laboratory. In addition, construction of an area for handling hazardous materials, including disease vectors, is being urged by the U. S. Department of Agriculture to ensure that the items shipped from locations throughout the world do not endanger the health of animals in the United States.

In conclusion, it is important to note that the Special Agent force has not increased despite the increase in wildlife protection laws and public concerns over the past twenty years. During the same period, species listed as threatened or endangered increased from 191 to 1,137. Following are Fiscal Year 1991 figures that demonstrate the urgent need for increasing numbers of Wildlife Inspectors: Of 69,859 shipments through U. S. ports of entry, only 20% were physically inspected by Service Wildlife Inspectors. Of the 20% inspected, 28% did not "clear" inspection. The estimated value of the shipments was \$760,222,964. These statistics imply that potentially millions of dollars in illegal wildlife are being imported/exported annually as U.S. animal dealers continue to prey on the wildlife of developing countries.

The Society for Animal Protective Legislation and its allies in seeking effective enforcement of wildlife law strongly urge appropriation of funds adequate to apprehend the wildlife criminals that are destroying our nation's heritage and that of many other countries throughout the world.

The organizations listed below support this testimony of the Society for Animal Protective Legislation requesting an increase of \$28,442,000 for the Law Enforcement Division of the Fish and Wildlife Service, \$1 million for the Office of Management Authority, and \$1 million for the Clark R. Bavin National Fish and Wildlife Forensic Laboratory.

Albert Schweitzer Council on Animals and the Environment
 American Humane Association
 Animal Care and Welfare/SPCA
 Animal Protection Institute
 Beauty Without Cruelty
 Citizens to End Animal Suffering and Exploitation
 Doris Day Animal League
 Elsa Wild Animal Appeal
 Environmental Investigation Agency
 Fund for Animals
 Humane Society of the United States
 International Fund for Animal Welfare
 International Primate Protection League
 International Wildlife Coalition
 Washington Humane Society

STATEMENT OF DENNY S. HURTADO, CHAIRMAN, SKOKOMISH INDIAN TRIBE

SUMMARY

The Skokomish Tribe requests continuing Congressional support in the amount of \$730,000 in FY 1994 through the Bureau of Indian Affairs to:

- 1) Achieve settlement of water resource and fisheries conflicts in the Skokomish River Basin of western Washington and avoid protracted, costly, divisive conflict [\$480,000];
- 2) Finalize a comprehensive plan for restoring the Skokomish River estuary and other Skokomish Indian Reservation wetlands [\$250,000].

THE SKOKOMISH TRIBE

Skokomish means "people of the river." The Skokomish Indian Tribe is a federally-recognized tribe. Its members are descendants of the Skokomish, Twana and other Indians who were parties to the 1855 treaty of Point No Point by which they reserved rights to hunt, fish and gather at usual and accustomed places, and the right to exclusive use of the reservation established at the mouth of the Skokomish River for their permanent homeland.

FY 1994 FUNDING PRIORITIES FOR THE SKOKOMISH TRIBE

1] Cushman Hydroelectric Project

The Skokomish Tribe's reserved rights and interests in the natural resources of the Skokomish River Basin, including the estuary and adjacent intertidal lands, have been severely diminished by nontribal watershed altering activities. Most notable is the Cushman hydroelectric project, constructed and operated by the City of Tacoma's Tacoma Public Utilities.

The Cushman project for more than a half century diverted the entire North Fork Skokomish River out of the basin in clear violation of the Tribe's treaty reserved rights to fish and Winter's Doctrine water rights. The project destroyed valuable salmon and other fish and wildlife as well as fishing, hunting and gathering sites, all integral to the Tribe's social, economic and cultural well-being. By diverting almost half the flow of the Skokomish River out of the basin, the Cushman project also has contributed to filling in of the main-stem river channel and increased over-bank flooding, and has contributed to diminishment of the size and biological productivity of the largest, relatively unspoiled estuary in the Hood Canal Basin of Puget Sound.

The Tribe is an intervenor in Federal Energy Regulatory Commission licensing proceedings for the Cushman Project. The Tribe also is preparing for potential negotiations with the City of Tacoma. The Tribe's goal is to achieve a constructive, equitable settlement of all issues and avoid protracted, costly, divisive litigation in the Federal courts.

To achieve its goal of a constructive, negotiated settlement, the Tribe must have sufficient resources for technical and legal assistance to protect its rights and interests and to understand conflicting interests. Cushman Project impacts must be clearly defined; pragmatic potential solutions must be evaluated; alternative settlement options must be developed for consideration by tribal leaders.

For the past several years the Tribe has depended on the Bureau of Indian Affairs for funding critical to protect tribal interests in the FERC proceedings and to help the Tribe prepare for negotiations with the City of Tacoma. Funding provided always has fallen far short of the need. In FY 1993, for example, the Tribe conservatively requested \$480,000 and received only \$185,000, a 61% deficit.¹

FY 1994 is the pivotal year that will determine the future course of events and, ultimately, the Skokomish Tribe's social, economic and cultural well-being; FERC intends to rule on the Cushman Project license application; the Tribe will seek a negotiated settlement with City of Tacoma and seek to fold it and any FERC license into congressional legislation that will settle, once and for all, all outstanding issues and avoid costly conflict.

For the critical year of FY 1994, the Tribe requests \$480,000 be added to the Bureau of Indian Affairs budget and earmarked for the Skokomish Tribe to resolve conflicts associated with the Cushman hydroelectric project.

2] Skokomish River Basin Wetland/Estuary Rehabilitation

The Skokomish Indian Reservation is located at the mouth of the Skokomish River, and includes more than 2,000 acres of riverine and estuarine wetlands. The Skokomish River estuary lies within reservation boundaries. It is the largest, last relatively unspoiled, estuary in the Hood Canal Basin of Puget Sound.

The estuary is one of the Tribe's most important economic and cultural resources. The Environmental Protection Agency has declared the estuary to have national significance under the National Estuary Program of the Clean Water Act. The North American Waterfowl Management Plan identifies the estuary as having high priority for migratory waterfowl protection. The biologically productive estuary and adjacent intertidal areas produce enormous public benefits, including anadromous fish and migratory wildlife, that extend throughout Hood Canal, Puget Sound and beyond.

¹The FY 93 funding shortfall would be reduced by \$160,000 if pending applications for legal assistance are granted by the Administration for Native Americans and the Bureau of Indian Affairs. This would leave a 28% deficit - total coordination needs of \$80,000 would remain unfunded, and technical assistance needs would be under funded by \$55,000. See memorandum of Portland Area Director, Bureau of Indian Affairs, dated February 13, 1993 in attachments.

The public benefits of the Skokomish River estuary, and of riverine wetlands outside reservation boundaries, have been significantly diminished by human activities in the watershed and in the estuary *per se*.

With congressional funding provided through the Bureau of Indian Affairs in FY 1992 and 1993, plus a grant from the Environmental Protection Agency, and technical support from EPA and the U.S. Fish and Wildlife Service, the Tribe has laid the groundwork for a comprehensive restoration plan for all reservation wetlands, including 600 acres of intertidal delta diked and drained in the 1930's.

In FY 1993 the Tribe requested \$250,000 for this critical work and received \$175,000. FY 1994 is the third and final year of tribal estuary/wetland planning. The Tribe requests \$250,000 be added to the Bureau of Indian Affairs FY 1994 budget and earmarked for the Skokomish Tribe to complete a comprehensive reservation estuary/wetland conservation plan.

OTHER TRIBAL INITIATIVES RELATED TO REQUEST FOR APPROPRIATIONS

Skokomish River Basin Watershed/Ecosystem Improvement Action Plan²

The Tribe recognizes that Cushman hydroelectric project issues and reservation estuary/wetland issues best can be addressed from a holistic, watershed/ecosystem perspective. To that end, the Tribe is presently spearheading preparation of a comprehensive watershed/ecosystem improvement demonstration project for the entire Skokomish River Basin, including the estuary and adjacent intertidal areas.

The project moves beyond planning to action. It is engaging as working partners all stakeholders in the Skokomish River Basin. It is identifying specific, prioritized actions and implementation strategies within a holistic, watershed context.

This project began in FY 1993. By January 1994 the Tribe will produce for all stakeholders in the basin a strawman strategic plan. The goal is to achieve consensus before January 1995 on a comprehensive action plan that will serve as a blueprint to coordinate all relevant governmental entities' investments in watershed protection, restoration and management. The project also will engage private landholders and the general public through public information and direct outreach, and will be closely coordinated with the Hood Canal Coordinating Council.

The Skokomish River is the largest tributary to Hood Canal, and has the largest estuary. Watershed/ecosystem improvements within the Skokomish Basin will produce a continuing stream of public benefits, including migratory fish and wildlife, that will extend far beyond the basin, Hood Canal and Puget Sound.

This project will serve as a model that will have direct and immediate application to other rivers tributary to Hood Canal, Puget Sound and the Pacific coast. To that end, the U.S. Fish and Wildlife Service recently selected the Skokomish for its pilot watershed restoration project in the Hood Canal drainage basin. The Olympic National Forest has named Skokomish as the lead river basin for its watershed initiative. The National Marine Fisheries Service has agreed to collaborate with the Tribe to plan for the Skokomish River Basin in connection with its West Coast Initiative to proactively restore depleted salmon runs. The Environmental Protection Agency has identified the Skokomish as a target watershed within the high priority Hood Canal Basin. The Washington Department of Natural Resources rated the South Fork Skokomish Basin as number one priority for its Watershed Assessment program.

²Minimum required funding for this initiative (\$400,000) has not been fully secured. The Tribe has obligated \$200,000 to the program and seeks the remaining \$200,000. The Environmental Protection Agency has indicated interest in the program based on review of a preliminary proposal.

STATEMENT OF ANTHONY C. HAYES ON BEHALF OF THE NATIONAL ASSOCIATION OF CONSERVATION DISTRICTS

The National Association of Conservation Districts appreciates the opportunity to present NACD's Fiscal Year 1994 funding recommendations for several of the programs which come under the jurisdiction of your subcommittee.

Conservation districts coordinate and carry out a variety of natural resource management programs at the local level. Many of these programs are carried out in cooperation with federal agencies that have natural resource management responsibilities. Since we share common objectives and jointly implement these programs, our membership feels it is very important for us to share with your subcommittee our recommendations on federal funding levels for these programs. Attached to my testimony are line item recommendations for select programs within the U.S. Forest Service, Bureau of Land Management, U.S. Geological Survey and U.S. Fish and Wildlife Service.

The following general comments, observations and recommendations are offered for your consideration.

USDA - FOREST SERVICE

For many years, conservation districts have worked closely with the Forest Service and state forestry agencies in implementing a number of important state and private forestry programs. These programs provide nonindustrial, private forest land owners with critically needed technical and financial assistance in the areas of forest management and utilization, fire protection, and pest suppression. The nation's conservation districts appreciate the continued support that this committee has historically provided for these programs.

During the upcoming years, the nation will be harvesting a much larger percentage of its timber and related forest products from state and private forest lands. As a result, the importance of these programs can not be understated.

To provide needed surveys and technical assistance for insect and disease suppression programs on both federal and cooperative lands, NACD recommends that Forest Health Programs be funded at \$70 million. This level is needed to adequately fund measures which promote the health and viability of our nation's timber resources. Rural Fire Protection represents a critical component of our present forest management program and we recommend that funding for this activity be increased to \$50 million. This level is needed to train and equip rural volunteer fire departments to fight the increasing number of wildfires on private lands.

For management and utilization programs, we recommend total funding at a level of approximately \$211.5 million. Our funding recommendations reflect our continued strong support of initiatives such as the Forest Stewardship Program and the Stewardship Incentives Program. Conservation districts are a vital delivery vehicle for these programs and adequate funding is badly needed. We feel these initiatives promote the wise use and management of the nation's renewable resources in both rural and urban areas. These initiatives being implemented through the state foresters can provide the technical assistance that private landowners and land managers need for proper forest management. NACD recommends funding for the Forest Stewardship Program at \$25 million and the Stewardship Incentives Program at \$100 million. In addition, our member districts are well positioned to help implement the community and rural tree planting programs. NACD strongly supports the funding for technical assistance and cost sharing for tree planting initiatives.

The Forestry Title of the 1990 Farm Bill authorized the establishment of the Center for Semi-Arid Agroforestry at the USDA-FS Forestry Sciences Lab in Lincoln, Nebraska. Efforts of the Center include research, development and technology transfer for conservation forestry. NACD supports funding of this center at a level of \$5 million for FY94.

During recent years, the Forest Service has conducted pilot demonstration projects for the utilization of timber bridges. In addition to being less expensive to construct, timber bridges promote local timber resources and construction businesses. NACD recommends funding for Timber Bridges project at \$10 million.

With the majority of the American population residing in urban areas, Urban Forestry is increasingly important. Urban tree planting and forested areas reduce the excessive heat and absorb

high levels of carbon dioxide produced by today's society. NACD recommends \$30 million for Urban Forestry.

You will note that we have also included recommendations for several of the major programs under the National Forest System. Our members advocate multiple use of the nation's public lands and we strongly support programs designed to ensure that the natural resource base of our national forests is properly managed. NACD recommends funding for Range Management at \$60 million and \$120 million for Wildlife and Fish Habitat Management.

U.S. FISH AND WILDLIFE SERVICE

Conservation Districts recognize the important role that the Fish and Wildlife Service plays in conserving the nation's fish and wildlife resources. Included in our funding resolution are programs primarily related to the agency's wetlands conservation and restoration efforts. We are particularly supportive of the agency's voluntary partnership approach in working with private landowners to restore and protect wetlands.

Three quarters of the nation's remaining wetlands are located on private lands. If we are to be successful in protecting and enhancing these wetlands, as well as restoring wetland acres lost in the past, increased emphasis must be placed on providing landowners with technical and financial assistance and economic opportunities to capture their value. The "Partners for Wildlife" program within the Private Lands Habitat Assistance and Restoration budget element provides this needed approach. This program has already helped more than 9,500 private landowners restore more than 175,000 acres of wetlands over the last six years. In a program where landowners donate the land rights and usually absorb part of the restoration cost, the public receives the greatest benefit of improved water quality, flood reduction, and wildlife diversity. NACD strongly encourages funding of wetlands restoration and technical assistance activities as mentioned above at a minimum level of \$18 million.

In addition, NACD supports the goals and objectives of the North American Wetlands Conservation Act, and recommends funding for the initiative at the \$15 million authorized level. The Act, which provides a diverse array of long-term environmental and social benefits, has met with unprecedented success in the area of wetland conservation and restoration. In FY92, a federal input of \$24.6 million generated a return of \$53.8 million in nonfederal matching funds. The result was more than 66 wetland conservation projects on nearly 250,000 acres across North America. NACD also recommends that the National Fish and Wildlife Foundation be provided \$5 million to support their related habitat protection programs and that full funding be provided for the Refuge Revenue Sharing Fund.

To support the agency's wetland responsibilities related to 1985 and 1990 Farm Bills, we recommend that \$2 million be provided to support wetland easement management activities on Farmers Home Administration inventory lands, and \$3 million be provided to support the minimal effect determinations and mitigation plan reviews required under "swampbuster" provisions.

OTHER RELATED AGENCIES

NACD would also like to call your attention to the line item recommendations we have developed for selected programs within the Bureau of Land Management and U.S. Geological Survey.

NACD's recommendations for BLM represent the minimum funding levels necessary for the agency to manage and protect America's public lands under the agency's jurisdiction. In addition, increased financial commitment is badly needed to expand and improve management of riparian areas. Our USGS recommendations demonstrate our recognition of the important role that the agency plays in monitoring the status of the nation's surface and ground water resources.

The nation's conservation districts appreciate the opportunity to share our recommendations with your subcommittee.

STATEMENTS OF ROBERT SAM, TRIBAL CHAIRMAN AND JACK
PICCOLO, FISHERIES DIRECTOR, SUMMIT LAKE PAIUTE TRIBE

This testimony documents the need for funding for the Fisheries Management Program of the Summit Lake Paiute Tribe (Tribe). The Tribe manages a Lahontan cutthroat trout (LCT) fishery, a resource of significant cultural and scientific value. The LCT (Oncorhynchus clarki henshawi) is listed as Threatened by the U.S. Fish and Wildlife Service. This LCT population is one of the last pure strains of the subspecies. As of 1992 however, trout numbers were at an all time low. Without a renewed commitment from the Federal Government, the Tribe and the people of the United States are in danger of losing a valuable part of their heritage.

The U.S. Bureau of Indian Affairs provides \$84,200 annually for the Fisheries Management Program at Summit Lake through Self-Determination Contract #CTH61T65501. Current funding is inadequate to provide for research and management needs and development of an Integrated Resource Management plan. We are respectfully requesting an increase of \$600,000 for FY-1994, to provide for these needs.

Background

Summit Lake LCT have provided subsistence for the Tribe since pre-Columbian times. State and federal management of Reservation resources during the last 100 years have, however, left the population in jeopardy. The Tribe assumed management responsibilities in 1981, and tribal efforts have focused on habitat protection, research, and creel limits to reduce harvest. Funding constraints have hampered research and management efforts. Because the population is listed as Threatened, the Tribe and the BIA are legally responsible for its protection.

Documentation of need for increased funding

Recovery of the LCT population will require a commitment from the Federal Government as well as the Tribe. Research must be funded to determine what management strategies will be most effective. Funds must also be allocated to increase services of the Fishery Management Program, so steps can be taken to protect vital fish habitat, plan for future management efforts, and increase tribal participation.

Funding for the Fishery Management Program has decreased from \$90,000 in 1981 to \$84,200 in 1993. This money does not cover operating costs, no less the necessary improvements to the program. We are requesting an increase of \$600,000 in FY1994 to cover the following costs: 1) development of an Integrated Resource Management Plan 2) research by University of Nevada, Reno 3) increased staffing 4) construction of facilities 5) Tribal training program, and 6) administration. Plans have been prepared to implement these changes, and brief descriptions follow.

Integrated Resource Management

The Reservation is blessed with a variety of natural resources which represent the best potential source of sustainable income for the Tribe. The Tribe needs to develop an Integrated Resource Management Plan which will balance housing, livestock, fish and wildlife, and recreation uses in a sustainable fashion. We are requesting \$100,000 for Phase I of this plan, which will evaluate various uses from social, economic and ecological standpoints.

Research at Summit Lake

Summit Lake has been impacted by land-use management practices in unknown ways. To determine what changes have taken place and how they can be corrected, the Tribe has sub-contracted the University of Nevada, Reno. Research will investigate the factors that effect trout abundance in Summit Lake. At the conclusion, management recommendations will be made. Future research will focus on outside influences, such as the effects of grazing, water quality, and changes in food chain and habitat. We are requesting an increase of \$75,000 for FY-1994 to cover research costs.

The importance of gaining sound scientific knowledge of the ecosystem cannot be overstated if Summit Lake is to be managed wisely. The protection and enhancement of this unique cultural and biological resource depends upon informed management decisions.

Staffing increases

The staffing plan for the Fisheries Program has not increased in several years. There is only one permanent full-time employee (Fisheries Director) funded under the current contract. We are seeking a funding increase of \$50,000 to increase staff. This will include a second full-time permanent employee to fill management and research needs at Summit Lake. This employee will oversee seasonal employees, assist with UNR research, maintain facilities, and oversee hatchery operations. We have had difficulty in carrying out hatchery construction because of lack of a qualified full-time employee. A Law Enforcement position would also be added, to insure that harvest limits of fish and game, and other tribal regulations are followed. There is currently no law enforcement official on the Reservation.

Facilities

Currently one building serves to provide housing, offices, and lab facilities for the Fisheries Program at Summit Lake. The building is also used during tribal meetings, and for visitor lodging. Currently, this is inadequate, and as the program expands this will become more of a problem. We are requesting \$100,000 to begin construction of a new facility to provide for the increased needs on the Reservation. At this time the Tribal Office is located in Winnemucca, Nevada, 150 miles from the Reservation because of lack of facilities at Summit Lake.

Tribal Training Program

We are requesting \$50,000 to develop training so that tribal members can participate in the Fisheries Program. Tribal members will need to be trained in natural resources if they are to assist in management efforts. Projects will include field classes, workshops, safety training, data analysis, report writing, etc. Scholarship money to attend accredited colleges will also be included.

Administration

As program services expand, administration costs will increase. We are requesting an increase of \$225,000 to cover the increased costs of administering a greatly expanded Fisheries Program. This will cover projected increases in the following line-items: 1) personnel - support staff and cost of living increases for employees 2) fringe - increase in payroll taxes, and health insurance for permanent employees, who currently must provide their own health insurance 3) supplies 4) communication 5) operation and maintenance 6) travel for management coordination with other agencies 7) fuel, oil, and utilities, and 8) contractual - to

cover audits, insurance, USGS stream gauging station and other services as needed.

Summary

The LCT fishery and other natural resources represent the greatest asset of the Tribe. Funding for the Fisheries Management Program has actually decreased since 1981. We are requesting an increase of \$600,00 for FY-1994. If the Tribe is to manage our resources wisely, we will need this substantial increase in funding. This money will be used to develop natural resources on the Reservation in an ecologically sound way, so a sustainable economy can be generated. This will ultimately result in a more efficient Tribal Government and decreased need for federal funding. If the Summit Lake Paiute Tribe is to control our own future, we will need to develop and protect our abundant resources. Thank you for your past support and for considering our request.

STATEMENT OF JUDY GUSE-NORITAKE ON BEHALF OF THE PACIFIC RIVERS COUNCIL

I. THE NEED: \$32 Million Will Launch a Program to Protect and Restore the Last Best Remaining Watersheds and Salmon Habitat, Potentially Creating 7000-11000 Jobs. The Pacific Rivers Council urges Congress to initiate the protection and restoration of key watersheds, salmon habitat and riparian areas on Forest Service and BLM lands west of the Cascades in Washington, Oregon and northern California. Protection and the first steps in restoration of the 137 key watersheds which have already been identified by two scientific groups will cost an estimated \$157 million and potentially create 7000-11000 jobs. If this work is phased in over three to five years, the startup cost for FY 1994 is estimated at \$32 million. Startup should focus on: 1) the identification and protection of key watersheds and riparian areas; 2) the assessment of site-specific watershed needs; 3) watershed mapping; 4) implementation of new management standards to protect these areas from new roadbuilding and other threatening activities; 5) development of staff training and a monitoring and external review program; and 6) initial restoration programs in model watersheds. 98.5% of the amount should be allocated to the Forest Service and the remainder to the BLM.

This approach is simpler, less costly, and more certain to succeed than traditional riverine habitat restoration. As Congress shifts resources from timber-related programs into cost-effective new programs, these steps should be the agencies' first priority. Accompanied by clear Congressional direction and aggressive oversight, these appropriations will ensure that the region's most important watersheds and salmon habitat is protected and that effective regionwide restoration programs can begin.

II. Congress Must Act Now To Protect The Region's Natural Infrastructure. The vast majority of Pacific salmon are now produced by a few remaining areas of high quality spawning and rearing habitat in the headwaters of watersheds managed by the Forest Service and the BLM. The Forest Service estimates that it manages about half of the remaining freshwater anadromous fish spawning and rearing habitat in the lower 48 states. Evidence indicates that under current management, key salmon habitat is threatened with chronic and catastrophic sedimentation, primarily from existing and proposed logging roads. Studies have identified sedimentation from human-caused landslides and road failures as the greatest threat to these areas and concluded that degradation of these watersheds will drastically reduce the odds for maintenance or recovery of at-risk salmon populations. (Frissell, in press). The securing or "stormproofing" steps we propose will help ensure that the region's best watersheds and salmon habitat can survive rain storms which cause irreversible landslides and sedimentation from roads and culverts. The protection we propose will stop new inappropriate roads from being built. Following this, watershed level restoration programs can begin that can determine specifically tailored long-term restoration goals.

The first steps in watershed recovery are imperative for numerous reasons. First, if sediment and other threats are not removed, it may be impossible to restore this habitat once it is destroyed. Second, it is a scientific certainty that without spawning and rearing habitat, salmon runs will not survive and all efforts to save them by reducing adverse impacts from hydropower, hatcheries and harvest are doomed to fail. Third, these actions must be taken to provide the anchor for more comprehensive watershed-level restoration program which will also restore large wood to river systems, revegetate riparian areas and restore floodplains across the landscape.

In addition these steps will protect the heart of the region's natural infrastructure, upon which local communities and economies depend. Functional watershed ecosystems provide other important ecological benefits including improved water quality, optimum water quantity, and reduced risks to an estimated additional 132 riparian-dependent species at risk of extinction on the westside.

III. Economic and Social Benefits of Watershed Restoration. Even the first steps we propose for watershed restoration can have significant economic and social benefits. A draft budget for beginning to secure ("stormproof") 137 key westside watersheds follows:

Activity	Dollars	%Total	\$Year 1	%Activity	Yr. 1
1) Watershed Assessments (9030 mi2 @ \$900/mi)	8,127,000	5.2%	8,127,000	100%	
2) Mapping (9030 mi2 @ \$500.00)	4,515,000	2.9%	4,515,000	100%	
3) Earth Moving (10m yds3 @ \$7.50/yds3)	81,270,000	51.8%	8,127,000	10%	
4) Contract Oversight	7,043,225	4.5%	700,000	10%	
5) Effectiveness Monitoring	12,619,000	8.0%	3,425,000	33.3%	
6) External Review (Ongoing)	1,396,000	1.0%	465,333	33.3%	

<u>Activity</u>	<u>Dollars</u>	<u>%Total</u>	<u>\$Year 1</u>	<u>%Activity Yr 1</u>
7) Programmatic EIS	1,500,000	1.0%	1,500,000	100%
8) Watershed-level EAs, 137 @ \$25,000	3,425,000	2.2%	3,425,000	100%
9) General Overhead and Administration	36,937,215	24.0%	1,231,246	33.3%
Total Program Cost	156,832,440	100%	31,515,579	20%
Bureau of Land Management	2,398,000	1.5%	472,734	20%
Forest Service	154,435,000	98.5%	31,042,845	20%

The following benefits flow from this program: 1. **Direct Economic Benefits:** The limited restoration program outlined above is estimated to provide 7000-11000 person years of employment over the course of implementation. Over 60% of these jobs can be filled by small contractors, including jobs operating bulldozers, graders and backhoes. Remaining jobs will go to agency employees, mitigating workforce reductions related to timber program cutbacks; 2. **Indirect Economic Benefits:** The protection of key salmon habitat increases the chances of maintaining and strengthening the region's beleaguered commercial and recreational fishery, estimated by PRC to provide 60,000 jobs even at the reduced 1988 level. In 1991, fisheries in the national forest system alone were estimated to have an economic value of well over \$1 billion, and in 1988 the Forest Service estimated that 170 million pounds of commercially harvested fish originated from these lands nationwide. The protection and restoration of this critical resource will prevent sacrifice of habitat to extend short-term timber-related jobs that could cost fisheries jobs for generations. Better habitat for fish and non-fish species will also enhance and support many rural economies dependent upon tourism; 3. **Cultural Benefits:** Salmon play significant cultural and social roles for many citizens, including Native Americans, that go well beyond any economic analysis.

IV. Subsequent Costs and Benefits of Watershed Restoration: While little work has been done to determine accurate costs for riparian and floodplain restoration or to reestablish large wood in streams, these will be key elements to systemwide restoration efforts. Our rough estimates are that 993,270 acres of riparian areas exist on the west side of the region. At an estimated cost of \$130 per acre, we believe that \$129 million is required over a period of years. Estimates for riparian restoration on the east side of the region still need to be completed.

V. Why Will This Approach Improve the Outlook for Pacific Salmon? Because: 1) protected and secured ("stormproofed") watersheds provide physical refuges which ensure spawning and rearing habitat; 2) establishment of refuges will maximize the benefits of future improvements in ocean conditions, potentially increasing the numbers of returning fish; 3) 137 key watersheds have been independently identified as critical areas for at least 90 sensitive stocks of fish by two teams of scientists; 4) the sediment treatment methodology has been extensively tested in Northern California; 5) our proposal protects riparian areas, which have been extensively documented as playing a critical role in salmon health.

VI. How does this program compare with other restoration proposals? Some current agency proposals include elements of this program, but none target the most intact watersheds first. For example, the Forest Service's Blue Mountain Ecosystem Restoration proposal is intended to focus on restoring the most highly degraded watersheds and does not change management policy to protect healthy watersheds from future risks. The result is likely to be failure of restoration projects and continued degradation of fish habitat. The same criticism generally applies to the restoration strategy recommended for the Olympic National Forest. Our proposal reverses this approach by focusing first on saving the best, then restoring the rest.

Another problem is that the agencies have generally failed to target sediment sources (mostly roads) as the major threats to fish habitat. While they do acknowledge the connection between fish habitat and properly engineered roads and culverts, road removal and reconstruction activities have not been given clear priority over other fishery program programs, overemphasizing the construction of instream habitat structures and similar capital-intensive projects. Evidence now indicates that the instream structure approach to restoration has failed in the Pacific Northwest and California.

"An Ounce of Prevention is Worth a Pound of Cure." The main reason to support this approach is that it is cost-effective. Most restoration strategies focus on recovering highly degraded areas, failing to recognize that even if restoration techniques were guaranteed to work (which they are not) it still makes better public policy to protect, secure and expand the best remaining habitat first. Why? Simply because it costs far less to protect and expend good habitat than to restore habitat in a degraded watershed which may be beyond repair. While there is still some remaining naturally productive habitat left to save, the most prudent and perhaps only effective policy is to protect and secure these areas.

VII. Recommended Direction and Appropriations. This program can begin in FY 1994 with just under \$32 million and clear Congressional direction that the agencies shall use these funds to: 1) identify key watershed areas and implement management policies necessary to protect them; 2) assess the whole key watersheds to identify major sediment threats and other potential problems or needs, and then specifying actions to reduce or remove those threats and initiate recovery; 3) map key watersheds; 4) establish agency training programs in watershed assessment and restoration; 5) establish an independent monitoring program which includes baseline monitoring in benchmark watersheds and effectiveness monitoring for subsequent watershed restoration; 6) establish an external review mechanism to ensure program implementation and accountability, including a yearly report to Congress; 7) establish watershed restoration model programs which treat the greatest threats in selected key watersheds throughout the Region, with projects in at least one national forest from Washington, Oregon and California, and in watersheds for each of the five BLM district with identified key watersheds in Oregon and California.

We recommend that only 10% of the physical restoration work be accomplished in 1994 to ensure that watersheds are properly assessed and protected, that proper agency training is completed, and that watershed-level recovery strategies are accomplished first. This approach will ensure the most effective use of funds. Sources within the Forest Service have estimated that the agency could use from \$10 to \$15 million for actual watershed restoration work in FY 1994. The \$8 million we request for restoration work is in line with this estimate.

A. Internal Agency Changes Needed Before A Comprehensive Program Can Begin. Neither agency currently has the infrastructure necessary to effectively implement a sound watershed protection and restoration program. For example, the agencies lack a clear procedure and set of standards for watershed condition and needs assessments and they are not skilled at conducting basin-level

restoration programs. Trained staff are lacking, as is a clear protocol for aligning goals and management between agency program areas within a watershed. New, clear lines of authority are needed which require fisheries and watershed staff to work with road maintenance and construction staff to identify priority actions to be taken to protect habitat in key watersheds. Therefore, we propose that in addition to funding the activities outlined above, this Committee should direct the agencies to establish the policies and staff training required to implement a comprehensive regionwide (eastside and westside) restoration program in FY 1995.

B. Forest Service Budget. Most of the needed funding for Year 1, \$22,350,000 (all but "earth moving" and "contract oversight"), should be allocated to **Wildlife and Fish Habitat Management** to be jointly managed with **Soil, Water and Air Management**, with the "Soil, Water and Air Improvements" subitem as a logical place for funds used to install runoff and erosion control structures, land reshaping and revegetation of denuded areas and road obliteration sites, etc. The remaining funding, for reduction of sedimentation threats, could appropriately be earmarked as part of the **Road Maintenance** budget, with joint oversight by Fisheries and Watershed programs. In FY 1993, \$5 million of the national road maintenance appropriation was earmarked for road obliteration nationwide. Similarly, we recommend earmarking \$8.7 million for road obliteration, reconstruction and other sediment-reduction work on the model watersheds in Regions 5 and 6.

We target 17 forests, including those most heavily impacted by past logging practices: four in Region 5 and thirteen in Region 6. The 1993 fiscal allocations indicates that in these two regions alone the agency will spend \$40 million on "support" to a timber program already appropriated to the tune of \$120 million, which doesn't even include an appropriated road construction and maintenance budget of \$80 million. This year, about 20% of Fish and Wildlife funds (\$7 million) and Soil, Watershed and Air funds (\$3.2 million) will go to timber support -- with support from subitems such as Threatened and Endangered Species approaching 50% of program in Region 6. A reduced timber program, including the phase-out of below-cost timber sales, will permit these program resources to be used for true fish habitat and watershed enhancement work, rather than attempts to mitigate logging-related destruction.

C. BLM Budget. For work on five districts of the Oregon & California lands in western Oregon, funds should be allocated to the "Other Forest Resource Management" subactivity (Fund code 6334). For non-O&C Lands, we have proposed work on the Ukiah district in Northern California which will require appropriations to the **Wildlife and Fisheries Habitat Management Subactivity** (Fund Code 4350). PRC urges Congress to increase funding for the BLM's fisheries habitat management program to enable full implementation of needs identified in interagency cooperative agreements forged as part of the Bring Back the Natives program, the Columbia and Snake River Basin Anadromous Fish Management Plan, the riparian/wetland initiative and other applicable agency policies and plans.

STATEMENT OF PETER KNIGHTS, WILDLIFE TRADE SPECIALIST, ON BEHALF OF THE ENVIRONMENTAL INVESTIGATION AGENCY

The Environmental Investigation Agency fully endorses the Society for Animal Protective Legislation's request for additional funding for the U.S. Fish and Wildlife Law Enforcement Division to recruit additional Special Agents and Wildlife Inspectors. This funding is vital not only to enforce U.S. law, such as the Lacey Act, the Endangered Species Act and the Wild Bird Conservation Act and international agreements, such as the Convention on International Trade in Endangered Species (CITES), but also to assist developing countries uphold their laws and preserve their wildlife.

Having worked undercover to expose illegal trade in primates, birds, ivory, rhino horn and whale meat, the Environmental Investigation Agency (EIA) have seen the importance of proper enforcement in the consuming countries. Often it is the only barrier that protects species from the smugglers' ravages, as range states in Africa, Latin America and Asia lack the resources and ability to police their borders effectively in the face of international demand. It is clearly the responsibility of the countries that are the consumers and drivers of this illegal trade to curtail it.

The U.S. represents one of the largest of such markets. Fittingly the Service's Law Enforcement Division is one the most capable wildlife enforcement agencies in the world and their Special Agents and Wildlife Inspectors have often been able to provide technical assistance and training to other countries. However, the Division's effectiveness in battling the smugglers and illegal traders is severely hampered by lack of resources and manpower.

The Wild Bird Conservation Act of 1992 was the result of years of negotiation and was eventually passed into law with the support of both trade and environmental interests. The Act provides an opportunity to end over exploitation of species, mass cruelty and large-scale smuggling. Many people in countries like Mexico, Venezuela and Ghana have high hopes that the Act will help them protect their wildlife from

the voracious demand for illegally trapped wild birds that currently exists within the U.S.. This can only be achieved if the Service has the resources to enforce the Act.

As a poignant example, I recently returned from West Africa working undercover posing a potential parrot smuggler in cooperation with the Ghanaian government. EIA discovered that thousands of parrots have been smuggled to neighboring countries where they receive fraudulent papers of origin in order to supply the U.S. exotic pet trade. The Division is currently investigating similar illegal operations. They are aware of many more cases of illegal trade involving U.S. citizens that they cannot pursue due to lack of resources.

The Ghanaian government has issued a desperate plea to help them conserve their parrots by stopping the smuggling. If it can be implemented and enforced the Wild Bird Conservation Act of 1992 can achieve this. For the people and wildlife of Ghana, Mexico and countries like them around the world, I urge you to provide the Division with the resources they so desperately need. The funds requested above and detailed in the testimony of the Society for Animal Protective Legislation are a small price to pay in protecting the world's endangered species and are but a tiny fraction of the value of the wildlife that has been stolen in the past, but they would greatly improve the effectiveness of the Division. Without effective enforcement U.S. and international laws are not worth the paper on which they are written.

Nowhere is this problem more obvious than in the inspection of wildlife imports. According to TRAFFIC USA in 1988 a mere 65 Fish and Wildlife Inspectors were supposed to inspect more than 83,000 wildlife shipments. I have assisted inspectors in attempting to identify species and make a count of one such shipment. Over 10,000 birds were being imported from West Africa, some of which we were told by the exporter had been smuggled from Ghana. To give you some idea of the scale of the task facing Special Agents and Wildlife Inspectors in the field, it took 8 people, 8 hours to count one tenth of this legal shipment as it was unpacked. A great proportion of the birds later died of an unidentified virus and several of those conducting the inspection later contracted the potentially lethal disease, psittacosis.

With an average of 1,300 shipments per inspector in 1988, it is little wonder that only 25% of shipments were inspected. In Miami, a notorious center for illegal bird trade, only 3% of commercial shipments were inspected. In many cases due to staff limitations "inspections" only consist of examination of paperwork, which is insufficient to detect many violations (TRAFFIC USA, Vol.10, No.3., Oct 1990).

It is estimated that between 50,000 to 150,000 parrots (U.S. Justice Department) are smuggled across the Mexican border each year. Although Mexico has tried to ban this trade and in recent years has been making real efforts to try and enforce this law, the smuggling continues. Parrots are drugged with tequila to keep them quiet. They are hidden in vehicles (even concealed behind hubcaps) or smuggled across the border by "mules".

The few agents stationed near the border are aware of the routes and many of those individuals involved, but they do not have the resources to pursue the smugglers. As the United States draws closer to Mexico under the North American Free Trade Agreement, so it must ensure that it assists Mexico to protect its wildlife from the U.S. demand that drives this illegal trade.

In conclusion, the Environmental Investigation Agency fully supports the request for funds as specified in the testimony of the Society for Animal Protective Legislation. It is becoming clearer by the day that the key to conserving our

environment is not only good legislation, but proper enforcement of that legislation. Previously when resources for the Enforcement Division should have been increasing, they have been allowed to fall behind. EIA urges this Committee to go some way to redressing this imbalance and provide the Division with the requested funding for the sake of the wildlife of the United States of America and the rest of the world.

STATEMENT OF DAVID A. SPRYNCZYNYATYK, PRESIDENT,
MISSOURI RIVER BASIN ASSOCIATION

Mr. Chairman and members of the Subcommittee, I am David A. Sprynczynatyk, North Dakota State Engineer and President of the Missouri River Basin Association (MRBA). I present this testimony on behalf of the Missouri River Basin Association. My purpose is to urge your support of a project that those of us in charge of managing the water resources in the eight Missouri River Basin states of Montana, Wyoming, North Dakota, South Dakota, Iowa, Kansas, Nebraska, and Missouri have agreed will be of enormous benefit to the entire basin.

MRBA - BACKGROUND:

The Missouri Basin States Association was formed by the Governors of the Missouri Basin states in 1981 to coordinate River planning activities after then President Reagan disbanded the old Missouri River Basin Commission. We are a coalition of Governor-appointed water policy representatives from eight Missouri Basin states. In the fall of 1990, we added another voting position on our Board for a representative of the Basin's Indian tribes. Also included on our Board are non-voting, advisory representatives of the various federal agencies with jurisdiction in the Missouri Basin, including the Corps of Engineers, the Bureau of Reclamation, the Bureau of Indian Affairs, the Environmental Protection Agency, the U.S. Geologic Survey, Western Area Power Administration, the Department of Transportation, and the U.S. Fish and Wildlife Service.

Despite six consecutive years of drought in the Missouri River Basin and the tensions resulting from our dwindling water supplies, the Missouri River Basin Association has built an unparalleled record of success at finding common ground among the Basin's states, tribes and federal agencies.

Recently, we influenced major changes in the way the Corps of Engineers conducts its planning activities for the River. Instead of developing its recommendations internally, the Corps now awaits recommendations from the states and tribes in the Missouri Basin through our Association before the Corps completes their Annual Operating Plans. For the past two years, the Corps has adopted our recommendations virtually point-for-point. We replaced the

divisiveness of the Corps' planning process with consensus among the basin's states and tribes.

The Corps' Annual Operating Plan for the Missouri River is developed under the broad planning framework of the Missouri River Main Stem Master Operating Manual (Master Manual). The Master Manual is currently undergoing an extensive re-evaluation, the results of which could have profound impacts on the economic and environmental resources of the Basin. From the beginning, technical committees appointed by the Directors of the Missouri River Basin Association have helped shape the research, the direction, the data collection and the modeling used in the review process.

THE PROGRAM:

In addition to our River planning activities, the Directors of the Association seek opportunities to support programs that offer major benefits to the basin. One thing we recognize is the major role played by the U.S. Geological Survey in helping resolve many water-related issues in the Missouri Basin by providing sound, accurate water resource data and technical assistance. In addition to the states and tribes in the Missouri Basin, federal agencies such as the Environmental Protection Agency, the National Oceanic and Atmospheric Administration and the Department of Defense rely on the technical assistance provided by the U.S. Geological Survey.

U.S. Geological Survey Cooperative Program:

In recent years, cost sharing requirements and other factors have made it very expensive for the Missouri Basin's states and tribes to work with the U.S. Geological Survey through the state-federal Cooperative Program. Also, for the past several years, the President's budget has called for significant cuts in the Cooperative Program. We urge the Senate Appropriations Subcommittee on Interior and Related Agencies to approve an appropriation of at least \$63.5 million in Fiscal Year 1994 for the U.S. Geological Survey Cooperative Program. This is the same amount appropriated for the program for Fiscal Year 1993, and should be adjusted for inflation.

STATEMENT OF DARRIS C. LILE, P.E., ON BEHALF OF THE STATE OF COLORADO

Summary of Requests

Colorado supports the Bureau of Land Management Colorado River Salinity Control Program efforts in our state and throughout the River Basin. We respectfully request that Congress appropriate \$6.98 million in fiscal year 1994 to the Bureau's Renewable Resource Management - Soil, Water, and Air Fund to be used specifically for salinity control activities.

Introduction

This statement is submitted by the Honorable Roy Romer, Governor of Colorado; Mr. Ken Salazar, Executive Director of the Colorado Department of Natural Resources; and Daries C. Lile, Director of the Colorado Water Conservation Board, which is the state agency charged with the development of Colorado's water resources.

Colorado River Salinity Program Appropriation

In order to maximize the beneficial use of the water of the Colorado River, the water must be of a quality which is fit for the purpose for which the water is used. Salinity has long been a problem in the Colorado River due to natural pollution from salt bearing formations and soil leaching as well as from irrigation practices along the River.

The seven states of the Colorado River Basin have endorsed a coordinated, basinwide approach to the reduction of salinity in the Colorado River. The salinity control activities being planned and implemented by the Bureau of Land Management are an integral component of the overall salinity control program. The Colorado River Basin Salinity Control Forum and Advisory Council, on behalf of the seven Colorado River Basin States has submitted a detailed statement to this subcommittee. The Forum seeks, and Colorado supports, an appropriation in FY 94 of \$6.98 million to be earmarked specifically for salinity control activities in the Basin.

The federal government is the primary (60%) landowner in the Upper Colorado River Basin and the bulk (66%) of this federal land is administered by the Bureau of Land Management (BLM). With control of 40% of the Upper Basin land area, nearly 29 million acres, BLM can and should be a major participant in basinwide salinity control efforts. BLM is now indicating a willingness to implement significant and cost-effective salinity reduction strategies on the public lands. Processes of identifying promising project sites, as well as plans for accomplishing specific objectives on those sites have been formulated. With recognition of BLM's ability to reduce salt loading in the Basin comes the need to appropriate funds sufficient for that purpose. All Basin States agree that for FY 94 the necessary level of funding is \$6.98 million.

The State of Colorado recognizes the extraordinary pressures on Congress and the President as they strive to resolve the difficult budget situation facing the nation. Even so, the BLM should be allowed to implement the plans it is in the process of developing. As studies have repeatedly demonstrated, delays in implementation of salinity controls do not merely defer expenditures into future years, but result in the need for a larger, more costly overall program. This is a result of the increased accumulation of salt that enters the system during the period of delay. The State of Colorado therefore strongly urges that the full \$6.98 million necessary for the Bureau of Land Management's active participation in the Salinity Program be appropriated in FY 94.

Thank you for your assistance with this important program.

STATEMENT OF WAYNE E. COOK, EXECUTIVE DIRECTOR, UPPER COLORADO RIVER COMMISSION

Mr. Chairman, the Upper Colorado River Commission is an interstate compact administrative agency created by the Upper Colorado River Basin Compact of 1948. The member States of the Upper Colorado River Commission are: Colorado, New Mexico, Utah and Wyoming. Since its inception, the Commission has actively participated in the development, utilization and conservation of the water resources of the Colorado River Basin.

The member States of the Upper Colorado River Commission have always given strong support to water resources development in the Upper Colorado

River Basin and in particular to the Colorado River Storage Project and participating projects. Through the development made possible by these and other projects, the waters of the Colorado River allocated to the Upper Basin States can be utilized for future beneficial consumptive uses.

NAVAJO INDIAN IRRIGATION PROJECT (PL 87-483)

The Commission appreciates the opportunity to support the appropriation of funds to continue construction of the Navajo Indian Irrigation Project during Fiscal Year 1994. The Navajo Indian Irrigation Project is in Rio Arriba and San Juan counties in northwestern New Mexico. The project will provide for the irrigation of 110,630 acres of land and will help secure a higher standard of living for many of the 185,000 people of the Nation's largest Indian tribe.

Nearly all of the facilities in the first seven blocks of the Project have been completed with past appropriations. However, even though 31 years have passed since the project was authorized, the Navajo Indian Irrigation Project is only about 60 percent complete.

The March 30, 1993 statement by Mr. Eluid L. Martinez, Secretary of the New Mexico Interstate Stream Commission, fully outlines the need and background basis for continued development of the Navajo Indian Irrigation Project. The Upper Colorado River Commission supports Mr. Martinez' request for an appropriation of at least \$34.0 million to the Bureau of Indian Affairs for construction during Fiscal Year 1994. That appropriation could be used effectively to finish the design and award initial contracts to begin construction of the Burnham Laterals and Block 8 facilities including the Gallegos Pumping Plant, Gallegos Discharge Pipeline and Block 8 laterals.

In addition to the requested appropriation of at least \$34.0 million for construction during Fiscal Year 1994, the Commission supports the appropriation of \$5.2 million to the Bureau of Indian Affairs in Fiscal Year 1994 for operation and maintenance of the Navajo Indian Irrigation Project. That level of appropriation is needed to adequately operate and maintain the existing project facilities.

COLORADO RIVER SALINITY CONTROL PROGRAM (PL 93-320)

Salinity has long been recognized as one of the major problems in the River. Water users in the lower reaches of the River system have suffered significant adverse impacts due to the River's salinity. These impacts have been estimated to have reached over \$300 million a year in the United States. Without salinity control measures, the salinity of the River is projected to increase beyond the water quality numeric criteria at Imperial Dam as a result of continued development of the Compact-apportioned waters.

The Colorado River Salinity Control Program is designed to maintain salinity levels in the Colorado River system within established numeric criteria while the Basin States continue to develop their Compact-apportioned waters.

In 1984 Congress enacted much needed amendments to the 1974 Act. The amendments (Public Law 98-569) authorized additional Department of the Interior and Department of Agriculture activities that were needed to meet the objectives of the Act. In recognition of the vast amount of Federal land managed by the BLM within the Basin, Congress assigned certain responsibilities to the BLM. These include the development of an agency-wide salinity control program for the Colorado River drainage basin system.

This program is endorsed by the seven Colorado River Basin States and the Federal Government and is essential to the overall development and management of the Colorado River Basin. Should the necessary funding levels in Fiscal Year 1994 and future years not be provided for the Colorado River Salinity Control Program, the probability of water quality numeric criteria being

exceeded is greatly increased. Further, less than adequate funding today will unquestionably result in significantly higher future costs to implement the same level of salinity control.

It is imperative that the salinity control activities of the BLM not be curtailed and that adequate funding be appropriated in FY 1994 so that the congressionally directed salinity objectives can be achieved.

Specifically, the Commission supports an appropriation of \$6,980,000 within the soil, water, and air management subactivity line item for the Bureau of Land Management to carry out its Colorado River Basin Salinity Control Program in Fiscal Year 1994.

Further detailed statements regarding the specific funding for the salinity program will be presented in the testimony of the Executive Director of the Colorado River Basin Salinity Control Forum as well as representatives of the Colorado River Basin States.

On behalf of the Upper Colorado River Commission, I thank you for granting the Commission the opportunity to express its support for the appropriation of funds to continue construction of the Navajo Indian Irrigation participating project under the Colorado River Storage Project Act of 1956 and the Navajo Indian Irrigation and San Juan-Chama Projects Act of 1962, as amended. In order to realize the full regional and national benefits of this project, the Commission urges you to provide the necessary funding to enable timely construction of the Navajo Indian Irrigation Project as well as the operation and maintenance of already-completed facilities.

STATEMENT OF STEPHEN J. McHUGH, ASSISTANT TRIBAL ATTORNEY, COLORADO RIVER INDIAN TRIBES

I. Completion of the Colorado River Indian Tribes Irrigation Project

The Colorado River Indian Tribes (Tribes) Irrigation Project (CRIP or Project) was offered as an inducement in order to encourage Tribal members to settle on the Colorado River Indian Reservation. (Act of March 2, 1867, 14 Stat. 514) The necessity of such a system was recognized even before the Reservation was created and was just as necessary for fulfilling the purposes of the Reservation as the land itself.

Much progress has been made on the project, approximately 80,000 acres are currently in production. The Tribes have proven to be excellent stewards of their resources. Furthermore, this project enables the Colorado River Indian Tribes to make great progress towards making the dream of self-determination a reality. Nevertheless, the pace of that progress will slacken unless resources are made available to fulfill the 137-year-old federal obligation of a complete, well-functioning irrigation system.

The Tribes are pleased to see that President Clinton's Budget will include \$200 million for tribal water right settlements. The Tribes believe that allocation of money demonstrates that the federal government's voluntarily created treaty and trust obligations should not be required to compete for funding. (Certainly they should not have to compete against each other for funding.) For this reason we are quite perplexed to see that the \$10 million proposed for the construction of existing Indian irrigation projects will not be part of the budget. This appears to "send a message" that Indian irrigation projects must compete among themselves (and against other worthy federally sponsored programs) in order to obtain annual appropriations. While some Indian irrigation projects may constitute discretionary programs, we have good reason to feel that this is not the case with the Colorado River Indian Irrigation Project. As noted above and demonstrated by the decision of the United States Supreme Court in *Arizona v. California*, the federal government undertook a solemn obligation to build a project that brings water to the irrigable acres of the Reservation.

After so much has been accomplished, after so much has been invested, and after so much support from members of Congress, including yourself, we believe, however, that Congress will continue to honor its commitment in order to complete the work we have begun together. As you know, in 1989, through P.L. 101-121, Congress provided funds for the preconstruction engineering that is necessary for the rehabilitation and betterment of the project. These resources were then made available to the Tribes through a "Self-Determination Act" (P.L. 93-638) Contract. With these resources, the Tribes obtained in house expertise, Mr. Terry Parsons, in order to oversee the engineering analysis of the system. Mr. Parsons and his staff work with Stanley, Franzoy & Corey (one of the West's premier irrigation engineering firms) to compile a Standard Operating Procedures (SOP) manual and a Rehabilitation and Development Plan (Development Plan) for the project. These documents are now completed and have been reviewed by appropriate Tribal officials and staff.

On January 8, 1993, as one of the Tribal Council's first official actions of the year, we adopted Resolution 07-93, which approved the Development Plan as a "Planning Level Document." Further, this Resolution called for the plan to be submitted to the Bureau of Indian Affairs for their review and comments. We are pleased to report that many fruitful plans and ideas have resulted from this consultation. As a result, the Tribes request \$2.5 million to purchase some of the equipment necessary for the project's rehabilitation and to begin some of the construction and on-farm management programs identified in the Development Plan.

To be sure, the actual allocation of this appropriation will depend on a variety of factors. These include: Continued consultation with the BIA; the input of the Tribal and non-Tribal member farmers that make use of the projects; and the availability of funding included as part of other federal programs. Projected project CRIP improvements for FY '94 include: The replacement of turnout structures, the addition of radial gate float controls, the replacement of culverts that impede the flow of water during periods of peak demand, and the addition of water flow measuring weirs to ensure maximum efficiency of water use. In order to bring these necessary system additions to fruition, the Tribes request that an appropriation of \$2.5 million be included in the budget of the United States Department of the Interior, Bureau of Indian Affairs, for the Rehabilitation and Construction of the Project.

II. Colorado River Tribes Water Resources Department

As part of our continuing commitment to the up-to-date stewardship and management of our resources, the Tribes have established a Water Resources Department. In 1990, through P.L. 101-512, Congress provided \$200,000 for the Tribes to create such a Department. We are pleased to report that after an exhaustive search, the Tribes have finally acquired a person with the background, experience, and knowledge to fill this demanding and interdisciplinary position. Mr. Gary B. Hansen, M.S. J.D., who possesses masters degrees in both biology and water resources administration, served as the Chief of Planning for the Phoenix, Arizona Active Groundwater Management Area (1981-1987) and Senior Water Resource Analyst for the State of Idaho (1979-1981), managing its pollution control program. Mr. Hansen possesses the background to oversee the technical and policy functions of the C.R.I.T. Water Resources Department. The Tribes ask for the continued support of the United States Congress so we may continue and expand this program. An appropriation of \$250,000 will be necessary to begin to assemble the staff of hydrologists, engineers, and technicians that are needed to address the regulatory and technical water management needs of the Reservation.

III. C.R.I.T. Farms

Farmland has historically been developed on the reservation through long-term development leases. Such leases involve partnership between the Tribes and an agribusiness enterprise, where the partner incurs the cost of developing the farmland and then farms the land for the duration of the lease. In order to make such ventures profitable, the business must be able to amortize the cost of development and continue farming the land long-after it has recouped the cost of developing the land. Such arrangements have helped bring land into production, however, the Tribes have had to defer much of the rental value of the land until after the lease has expired.

To overcome the limitations of this practice, the Tribes request funding for a program that will provide C.R.I.T. Farms with the resources and equipment necessary to bring more of our land into production, the land leveling and clearing of equipment for this program will cost approximately \$12.5 million. After developing Reservation lands, the Tribes will be able to lease this land at a much higher rate than they could under a development lease. These extra revenues will then be invested in bringing other land into production. The canals and pumps needed to make this land ready for planting will cost \$1,243,750. (Through an oversight, the appropriation request submitted to the House Appropriations Subcommittee on Interior and Related Affairs does not include a request for these costs.)

Money invested in Tribal farming operations helps drive the economy of the Reservation and allows the Tribes to support many governmental functions. Thus, the Tribes believe it is essential to diversifying the agricultural activities on the Reservation. The Tribes feel that a relatively small investment in order to demonstrate and facilitate some of the opportunities here would attract more agribusiness ventures and go a long way in increasing the economic self-sufficiency of the Tribes and improve the economy of this community for both Tribal and non-Tribal members.

In order to foster the expansion of agriculture to include high value "row crops," especially vegetables and melons, the Tribes ask for Congressional assistance in the purchase and construction of a vacuum cooler facility. The plans for the proposed cooler call for a facility with the following dimensions: 120 feet wide, 182 feet long, 20 feet high. The cost breakdown include approximately \$875,000 for the construction of an insulated metal building including a cold room and approximately \$625,000 for the a vacuum cooling unit. For a total of \$1.5 million.

Thank you for the opportunity to bring these matters to your attention. Please feel free to contact the Tribes if you have additional questions. Also, more detailed discussions of these items have been sent to Senators McCain and Deoncini, you may wish to contact them or their staffs to obtain maps, pictures, and more explicit cost breakdowns.

STATEMENT OF CEDRIC CHAVEZ, GOVERNOR, PUEBLO DE COCHITI

This statement is submitted on behalf of the Pueblo de Cochiti of New Mexico to advise the Congress of the needs of our people regarding the reinstitution of traditional subsistence farming on our Pueblo lands -- farming that has been prevented since the late 1970's by seepage of water from Cochiti Dam, which is located on Cochiti tribal lands. We are asking the Subcommittee to earmark \$230,000 in FY1994 Bureau of Indian Affairs funds for this purpose.

In the late 1970's, as the Cochiti Dam reservoir was filled, water began to seep underneath the Dam, causing the water table of our adjacent lands to rise. It was never anticipated that such seepage would cause a rise in the groundwater table on virtually all of our agricultural land downstream, so that virtually all of our traditional agricultural fields became saturated and virtually unusable.

It must be remembered that of the 50,000 acres belonging to the Pueblo, only a scant 900 acres are suitable for traditional irrigated subsistence agriculture. Traditional crops were maize, beans and squash, and in more recent times, prior to the seepage problem, our lands were also used for grains and alfalfa and the raising of cattle. While these lands were used by our people for some 700 years without disturbance to provide for the needs of our community, seepage from the Dam has made more than 600 acres completely unusable because of high water table conditions. The remaining acreage is also presently unusable, as a practical matter, because it consists of scattered parcels of limited size.

I am happy to say that Congress has already recognized the terrible injustice that was done to our Pueblo. A settlement was negotiated with the Army Corps of Engineers in 1990, pursuant to Public Law 100-202, which calls for the installation of a drainage system that will make our precious crop lands usable again and will compensate the Pueblo for its losses in the past. Specific authorization for the appropriation of funds to implement the settlement agreement was enacted last year as Public Law 102-358. With this necessary authorization legislation in place, Congress appropriated \$1.9 million for FY1993 to begin implementation of the settlement agreement in Public Law 102-377, the FY1993 Energy and Water Development Appropriations Act. We are optimistic that Congress will provide the remaining funding needed for the implementation of the settlement agreement (\$11,043,900) for FY1994.

While we are grateful that the settlement we negotiated is going forward, we are now faced with a problem that also needs urgent attention that is not in any way addressed by the recent settlement we negotiated that was approved by Congress. While the drainage system called for by the settlement will restore our lands that were damaged, there is essentially no remaining infrastructure for farming and few remaining farmers presently capable of re-initiating irrigated subsistence agriculture on the Cochiti lands as it existed prior to the flooding of our fields from Cochiti Dam seepage.

We have an urgent need to develop a reliable farm plan to put the Pueblo's lands back into production. The goal of this plan is to restore traditional subsistence farming practices to the Pueblo and develop our agricultural land to its full productivity. We have prepared a five-year program (outline attached as Appendix A) to accomplish our goals, which includes development of the detailed farm plan, restoration of our previously irrigated lands, and completion of irrigation development on our lands served by the Middle Rio Grande Conservancy District. Development of the plan is the key to effectively meeting our goals.

Development of the Cochiti farm plan requires the input of an agricultural consultant, agricultural economist and agricultural engineer working together with Pueblo officials. The plan must address the extra weed control and land rehabilitation issues made necessary by the prolonged waterlogged conditions of the fields, be economically viable, bring the Pueblo land into productivity, and provide employment and skill development opportunities for Pueblo members. While money is available in the settlement to actually rehabilitate Pueblo lands that were damaged by the high water table, costs for development of such a farm plan are not included and must be found elsewhere.

In addition, the irrigation system that served our lands is in disrepair from lack of use. Traditionally, the Bureau of Indian Affairs has assisted in funding the rehabilitation and betterment of our irrigation system, as it has for other tribes. However, since we have not been irrigating because the seepage from Cochiti Lake took our crop lands out of production, there has been no call to expend funds over the past 15 years for upkeep of the system and the system has deteriorated. While the settlement funded rehabilitation of the portion of the system directly damaged by the seepage, rehabilitation of the remainder of the system is not covered. The funding requirements outlined in our five-year plan cover this rehabilitation.

In addition, significant coordination and on-going data collection are needed at the tribal level. No funds are provided for this by the settlement. To meet these needs, a Tribal Water Resources Coordinator is needed. Funding for this position will be required until the drainage system is completed and farming is in progress.

Finally, there is one other issue relative to our irrigation system and other Pueblo irrigation systems under the jurisdiction of the Southern Pueblos Agency of the BIA. Irrigation Operations and Maintenance funding for Category III projects, which includes all the Pueblo's irrigation systems, is totally inadequate. Consideration needs to be given to appropriate additional funding above the BIA budget request. This funding should specifically be identified for the Category III Pueblo Indian irrigation projects.

For these reasons, we respectfully request this Subcommittee to earmark \$230,000 in FY1994 BIA appropriations to provide the necessary assistance detailed above. In requesting this aid, we are only asking for the kind of assistance that the BIA regularly provides to other tribes, and that we have not needed for many years because our lands were not suitable for irrigated subsistence agriculture due to water logged conditions. We respectfully submit that, because of the many years that we have not been eligible for such assistance, and have not had any share of available appropriations for this purpose, we should be given some priority in the allocation of available funds for the assistance we need to bring back traditional crop agriculture on our Pueblo.

A detailed budget justification is attached to this statement as Appendix A.

STATEMENT OF PAUL BROUHA, EXECUTIVE DIRECTOR, AMERICAN FISHERIES SOCIETY

The American Fisheries Society (AFS) appreciates the opportunity to present written comments concerning the proposed Fiscal Year 1994 budget of the National Park Service (Service). We ask that this letter be included in the official record of the park Service's appropriation's hearing.

The American Fisheries Society is an international organization of more than 8,500 fisheries and aquatic science professionals and student members. Chartered in 1870, AFS is the world's oldest and largest scientific body dedicated to the advancement of fisheries science and the conservation of renewable aquatic resources.

The National Park Service administers 153 park units with fisheries resources. These units contain internationally renowned fisheries and angling opportunities. Most of the 60 million anglers in our nation regard the fisheries of Yellowstone, the Great Smokey Mountains, the Delaware River, Glacier, the Shenandoah, the St. Croix, and the Alaska National Parks as national treasures, treasures which they have entrusted the National Park Service to manage and protect for them, their children, and their grandchildren.

The Service needs scientific expertise and funding to protect these unique resources in perpetuity. They currently have only nine fisheries biologists to manage their 80 million acres of lands and waters including 2,187 miles of nationally designated Wild and Scenic Rivers. The National Park Service estimated 7.5 million recreational user days on Service-managed waters in 1989.

The Service has identified a \$14,000,000 budget for development of their fisheries program over the next three years. The American Fisheries Society supports the Service's desire to improve fishery management capabilities, funding, and personnel resources. We understand the Service has been spending approximately \$5,000,000 annually on custodial aquatic programs. Dramatically increased funding is needed to enable the Service to develop the tools they need to accomplish fisheries management and resource protection in our national parks. We strongly urge you to support fisheries funding of \$8,000,000 for FY 1994 and to provide at least 14 new positions in the fisheries/fisheries supervisor career series. This increase in base funding of \$3,000,000 for the program is needed

to assure supervisory fisheries biologist staffing in each of the 10 regional offices and to provide four more field biologists. Special consideration should be given to placing two field fisheries biologists to assist brook trout restoration in the Great Smokey Mountains National Park and to assist the resource staff at the Delaware Water Gap National Recreation Area.

Thank you for your interest in the National Park Service's fisheries program. Please feel free to contact me if you have questions related to this program. For further reference a copy of the Service's FISHERIES NEEDS ASSESSMENT AND ACTION PLAN is enclosed.

STATEMENT OF NELSON WALLULATUM, CHIEF AND TRIBAL COUNCIL MEMBER, THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION

Good afternoon Mr. Chairman. I am Nelson Wallulatam, Chief of the Wasco Tribe and a Tribal Council member of the Confederated Tribes of the Warm Springs Reservation of Oregon. I come before you today with the following requests and comments regarding the FY 1994 budgets for the Bureau of Indian Affairs and the Indian Health Service.

Regarding the B.I.A.:

- 1.) Restore any cuts proposed to FY 1993 appropriations levels for on-going programs. This is our first priority because we have not yet seen the Administration's proposed FY 1994 budget.
- 2.) Add \$25 million to the FY 1993 funding for contract support, and add \$5 million to initiate a Self Determination Fund to implement funding provisions of PL 100-472, the 1988 Self Determination Act Amendments;
- 3.) Add \$20 million to the FY 1993 funding for Tribal Priority Allocations;
- 4.) Add \$12 million to the FY 1993 funding for Johnson-O'Malley;
- 5.) We support providing \$20 million for water negotiation and litigation from a new Indian Land and Water Settlement Fund, on the understanding that fund is to cover costs of tribal participation; and
- 6.) We support the continued development of the Tribal Budget System.

With regard to the Indian Health Service:

- 7.) We are pleased to inform the Committee that our Joint Venture clinic should be finished and serving patients this August. We ask that any H.H.S. staff limitations imposed by the Administration not interfere with the Federal personnel obligation to the clinic, and
- 8.) add \$8 million to I.H.S. contract support.

Mr. Chairman, for Fiscal Year 1994, the Confederated Tribes of the Warm Springs Reservation of Oregon are not making any requests specific to our individual reservation. Instead, we have identified several areas in the B.I.A. and I.H.S. budgets which we believe are advantageous to all tribes and which are central to Self Determination. In years gone by, the B.I.A. and I.H.S. have continually slighted these important programs, leaving it to Congress to more adequately address these needs. For Fiscal Year 1994, we request that the Congress redouble these commitments to give all the tribes the boost they have so badly needed over the past ten years.

1.) RESTORE ANY CUTS MADE TO FY 1993 FUNDING LEVELS.

Because we have not had an opportunity to examine the proposed FY 1994 budget, our first priority is a kind of over-arching general request that, as a starting point for FY 1994, the Committee preserve the FY 1993 appropriated budget by restoring any cuts that may be proposed by the administration to on-going B.I.A. and I.H.S. programs.

On that same note, we would like to reserve the right to submit correspondence to the Committee at a later time if, after having reviewed the administration's formally proposed budgets, we find items of substantial concern.

2.) ADD \$25 MILLION TO FY 1993 FUNDING FOR BIA CONTRACT SUPPORT.

Last year, Congress added approximately \$9.5 million to B.I.A. contract support for a total of about \$67 million. By our calculations, another \$25 million, or a total of about \$92 million, is required to fully support present contracts in FY 1994. Adequate contract support funds are needed to cover the administrative and supplemental costs incurred by tribes when they contract to take over a B.I.A. program. If these costs are not fully covered, tribes find themselves losing money in their effort to assume

operation of B.I.A. programs, and this presents an immediate and real impediment to the goal of Self-Determination.

We also urge the Committee to add \$5 million to establish a separate "Indian Self-Determination Fund" in the B.I.A.. This fund is needed for the purpose of paying both direct and indirect contract support costs associated with new Self-Determination contracts each year, as required by the Self-Determination Amendments of 1988 (PL 100-472). This separate source of contract support for new contracts in B.I.A. will allow existing contract support funds to be devoted to existing contracts, stabilizing them.

3.) ADD \$20 MILLION TO TRIBAL PRIORITY ALLOCATIONS.

A \$20 million general increase to Tribal Priority Allocations will provide a very necessary boost in the provision of services at the reservation level. Since 1981, the Tribe/Agency budget has been squeezed by three forces: a large tribal service population increase, the rising consumer price index, and expanding tribal governmental responsibilities through both increasing Federal program management requirements and growth in Self-Determination activities. Since 1981, the net result has continued to decrease based on per-person funding, with a consequent erosion of services. A \$20 million increase to Tribal Priority Allocations would substantially reduce this gap, while recognizing the tribes' authority to place the funds where they are most needed at their locality.

4.) ADD \$12 MILLION TO JOHNSON-O'MALLEY.

The Johnson-O'Malley program, which is the principal means by which the B.I.A. addresses its education obligations to about 89% of its Indian student population, has steadily been losing ground. In FY 1975, it received \$22.7 million, and in FY 1993, it received \$22.9 million. In terms of constant dollars, per-student funds have fallen from \$197 to \$37. The B.I.A. appears to be simply abandoning its responsibilities to these children.

5.) SUPPORT WATER NEGOTIATIONS FUNDS IN THE NEW SETTLEMENT FUND.

The Confederated Tribes of Warm Springs, with the Federal government, are negotiating with the State of Oregon to settle our water rights. It has proven to be a very complicated and lengthy process, but we are still actively going forward. The B.I.A.'s commitment to financially supporting negotiated water settlements has often wavered. Therefore, we are pleased with what we understand to be the establishment of a new \$200 million Indian Land and Water Settlement Fund within Interior which will include \$20 million in funding for water negotiation and litigation. It must be made clear, however, that those funds will be available to tribes to support their negotiations efforts.

6.) CONTINUE DEVELOPMENT OF THE TRIBAL BUDGET SYSTEM.

Through the Joint Task Force on B.I.A. Reorganization, the B.I.A. is actively working with the tribes to develop a new budget system. This exchange of ideas is cooperative and evolutionary and allows portions of the new system to be examined, understood and accepted by both parties before they are adopted. As a consequence, development and implementation are still going forward. Standard Assessment Methodologies must still be developed and applied, more of the B.I.A. budget remains to be placed within Tribal Priority Allocations, and a broad range of Bureau and tribal personnel have to be trained in the new system. While establishing the Tribal Budget System is a complicated and lengthy task, we believe it will fundamentally improve tribal Self Determination and interaction with the B.I.A.. Accordingly, we want to express our support for its continued development.

7.) STATUS OF THE OUR JOINT VENTURE CLINIC.

The Confederated Tribes of Warm Springs want to express our appreciation for your support of the Joint Venture Demonstration Project. The new Warm Springs Health and Wellness Center will be principally completed this June. We plan to open our doors for our first patients this August, 1993.

We are pleased to report that the project progressed at a rapid pace. Construction began in August, 1992. Our 37,000 square foot clinic will meet all I.H.S. health facility standards, is right on schedule and is expected to meet its \$5.1 million budget.

This demonstration project proved to us that we could plan and construct a high quality health facility is less time and at considerably less cost than could the Federal government. Perhaps more significant is the fact that this Health and Wellness Center will forever be a source of community pride because it truly belongs to our community.

We would encourage the Congress to continue to support additional joint venture projects.

Mr. Chairman, it is our understanding that staffing limitations are being imposed on the Indian Health Service. We ask that any such limitations not be allowed to interfere with the with the I.H.S.'s obligation to staff up the joint venture clinic at Warm Springs.

8.) ADD \$8 MILLION TO THE IHS CONTRACT SUPPORT FUND.

The IHS Self-Determination Fund provides full contract support to those new contracts first through the door, but unfortunately, limited resources mean the Fund is rapidly exhausted. Those applying for new contracts later in the year must wait until the fund has been replenished. As contracting expands, the wait will grow longer and longer, and this cycle should be stopped now. Accordingly, we request that the Committee add \$8 million to I.H.S. contract support so that all anticipated new contracts in FY 1994 can be fully funded by the Contract Support Fund.

Mr. Chairman, that concludes my testimony. Thank you.

STATEMENT OF DON PEASLEY, PRESIDENT, INTERTRIBAL TIMBER COUNCIL

SUMMARY.

Mr. Chairman, I am Don Peasley, President of the Intertribal Timber Council. I submit the following requests for the FY 1994 B.I.A. Forestry budget:

- 1.) Restore any funds that have been cut from their FY 1993 level, paying particular attention to woodlands management and special forest development, which have been regularly cut in past years;
- 2.) Include bill language to allow B.I.A. budget compliance with the Indian Forest Land Assistance Account provisions in Section 310 of P.L. 101-630, Title III, the National Indian Forest Resources Management Act;
- 3.) Add \$15 million to Special Forest Development in Non-Recurring Programs/Resources Management to continue elimination of the 1.7 million acre inventoried need started in the FY 1993 jobs stimulus package;
- 4.) Within Non-Recurring Programs/Resources Management, establish a new line item program for Increased Indian Timber Harvest, and add \$4.7 million to fund that initiative;
- 5.) Add \$750,000 in Recurring Programs/Resources Management for an Indian forest health initiative;
- 6.) Provide \$3,391,000 in Non-Recurring Programs/Resources Management for B.I.A. Endangered Species management responsibilities for the northern spotted owl (\$1,700,000), the marbled murrelet (\$400,000), and the Mexican spotted owl (\$1,291,000);
- 7.) Add \$4.5 million to Recurring Programs/Resources Management for the B.I.A.'s overall increased Forest management responsibilities under Title III of P.L. 101-630; and
- 8.) Add \$1 million to Tribal Priority Allocations for B.I.A.'s increased forestry responsibilities, and for new tribal opportunities, under Federal archeological and historic preservation laws.

INTERTRIBAL TIMBER COUNCIL BACKGROUND.

The Intertribal Timber Council (I.T.C.) is a seventeen year old organization of approximately sixty timber owning tribes and Alaska native organizations that collectively hold more than 90% of the 5.7 million commercial forest acres - and a substantial portion of the 8.7 million woodland acres - that are under B.I.A. trust management. The biological annual allowable cut off these lands is about 905 million board feet. In Alaska, timber from native corporations and thousands of trust allotments perhaps produces a similar amount. To all our membership, timber is the mainstay of our economies, and assuring its proper management is our foremost concern.

1.) RESTORE ANY CUTS FROM FORESTRY'S FY 1993 LEVELS.

Because the I.T.C. has not had a chance to review the B.I.A.'s proposed Forestry budget prior to this testimony, the I.T.C. must place its first priority on the restoration of any reductions proposed by the Administration from the FY 1993 Forestry appropriation. We ask particular attention be paid to woodlands management and special forest development, which have been regularly cut in the past.

2.) ADD BILL LANGUAGE ENABLING BIA BUDGET COMPLIANCE WITH INDIAN FOREST LAND ASSISTANCE ACCOUNTS.

Section 310 of the National Indian Forest Resources Management Act (P.L. 101-630, Title III) authorizes the establishment of Indian Forest Land Assistance Accounts, into which a tribe's various forestry funds, including unobligated B.I.A. forestry funds for such tribe, can be deposited for extended retention and investment. Funds in these accounts can only be spent for "forest land management activities" (as defined by the Act) for the tribe. Bill language is needed to enable B.I.A. compliance with the Act by placing unobligated annual forestry funds into these accounts. To that end, the following bill language is suggested:

" : Provided further, That unobligated forestry funds shall be available for transfer to Indian Forest Land Assistance Accounts pursuant to Section 310 of P.L. 101-630, and such transferred funds shall remain available until expended;"

3.) ADD \$15 MILLION TO ELIMINATE IN TEN YEARS THE 1.7 MILLION ACRES IN NEED OF FOREST DEVELOPMENT TREATMENT.

Pursuant to a FY 1991 Congressional directive, an updated B.I.A. forest development inventory has identified 1.7 million acres in need of forest development work. The B.I.A. has calculated that elimination of the acres in need of treatment will cost \$227 million. To eliminate that acreage in ten years, about \$24 million is needed each year, which requires a \$15 million increase over the FY 1993 regular appropriation level for forest development. The I.T.C. requests that the \$15 million be added to the special forest development program in the Non-Recurring Programs/Resources Management portion of the B.I.A. budget. This increase will continue the effort in the current jobs stimulus bill.

4.) ADD \$4.7 MILLION FOR A SPECIAL TIMBER HARVEST INITIATIVE.

On January 26, 1993, Interior Department Inspector General James Richards stated before the House Natural Resources Committee that the B.I.A.'s "inability to offer for sale the full annual allowable cut" is a major contributor to the possible "loss of \$143 million of potential additional revenues for Indian landowners". On December 31, 1992, the B.I.A. updated an inventory of harvestable backlogs that tribes desire to put up for sale. Nationally, individual tribes identified 845 million additional board feet they would like to harvest over the next three years. To accomplish this task, an additional 129 forestry personnel are needed at a cost of \$ 4.7 million for FY 1994. The I.T.C. requests that these harvest initiative funds be added to Non-Recurring Programs/Resources Management with report language that the funds be distributed among tribes according to their identified desired levels of participation in an increased harvest.

5.) ADD \$750,000 FOR AN INDIAN FOREST HEALTH INITIATIVE.

An addition of \$750,000 is requested for an Indian Forest Health Initiative in Recurring Programs/Resources Management. Numerous timbered Indian reservations are already affected or threatened by declines in the health and consequent long range productivity of their forests. The \$750,000 increase will enable the B.I.A. to coordinate with the U.S.F.S. effort and protect the health of Indian forests that often adjoin National Forests. Like the U.S.F.S. effort, funds would go to conduct a status report on the health of our forests, and to develop prescriptive measures to minimize insect and disease damage.

6.) PROVIDE \$3,391,000 FOR B.I.A. FORESTRY MANAGEMENT OF ENDANGERED SPECIES.

The Bureau of Indian Affairs must manage tribal trust forest resources to comply with the Endangered Species Act. The additional costs, if not addressed, will erode B.I.A.'s ability to meet routine obligations, including capacity to administer timber sales. For FY 1994, the B.I.A. Forestry program will have to manage for several endangered species, for which the I.T.C. requests a total of \$3,391,000, comprised of \$1,700,000 for continuing management of the northern spotted owl, \$400,000 for starting management for the marbled murrelet (listed as threatened October 1, 1992), and \$1,291,000 for the Mexican spotted owl (listed as threatened March 16, 1993).

7.) ADD \$4.15 MILLION TO IMPLEMENT NEW PROGRAMS AUTHORIZED IN THE NATIONAL INDIAN FOREST RESOURCES MANAGEMENT ACT.

The National Indian Forest Resources Management Act (NIFRMA) authorizes several new or expanded specific programs to bring needed improvements to the management of Native American forests. Final regulations on the Act are expected to be in place by FY 1994, and so we are requesting \$4,150,000 be added to Recurring Programs/Resources Management to implement the programs detailed below.

♦ Add \$2 million for Forestry education and training. Section 314 of the Act authorizes a comprehensive program to increase the number of professional Indian foresters. Section 315 authorizes funds for needed recruitment, continuing education and training programs for B.I.A. Forestry.

♦ Add \$1,400,000 to initiate the Tribal Forestry program authorized by Section 311 of the Act. Its purpose is to provide a modest funding base to forestry programs operated by the tribes, as opposed to the B.I.A.'s Forestry program. The \$1.4 million would fund one professional forester at each of the 40 largest forested tribes.

♦ Add \$750,000 for forestry technical assistance for Alaska native corporations authorized by Section 313. These funds will provide professional advice and guidance to the corporations for sustained yield management of their forests as well as local processing and other value-added activities.

8.) ADD \$1 MILLION FOR INCREASED COSTS REQUIRED BY ARCHEOLOGICAL AND HISTORIC PROTECTION ACTS.

Federal archeological and historic preservation laws have significantly driven up B.I.A. forest management costs. These added costs have never been off-set, and reduce the B.I.A.'s ability to carry out its other forest management activities. Also, Section 4006 of the National Historic Preservation Act Amendments, Title XL of PL 102-575, authorizes tribes to establish their own historic preservation offices, and to develop their own historic preservation codes which may be substituted for federal historic preservation laws. Adding \$1 million to Tribal Priority Allocations would help address these costs and opportunities.

That concludes the Intertribal Timber Council's requests for FY 1994. Thank you.

STATEMENT OF ED METCALF, CHAIRMAN, COQUILLE INDIAN TRIBE

Mr. Chairman, I am Ed Metcalf, Chairman of the Coquille Tribe of Oregon, and I request that this submitted testimony be formally made a part of the Subcommittee's hearing record on the FY 1994 budget request for the Bureau of Indian Affairs. The Coquille Tribal Council has presented oral and written testimony before the Subcommittee for the past two years. We feel compelled and consider it prudent to again present testimony regarding the Tribe's requests. The Coquille Tribal Council requests that:

- 1.) FY 1994 base funding for the Coquille Tribe be established upon the \$664,702 FY 1993 Coquille funding level,
- 2.) that the Coquille Tribe be fully and formally incorporated into the on-going Tribe/Agency base funding program, and
- 3.) that the Coquille Tribe fully participate in any FY 1994 general funding increases applying to all Tribes, whether initiated by the Bureau of Indian Affairs or the Congress.

The Coquille Tribal Council presents these requests because it is most important that our tribal government secure an adequate and stable base budget from the Bureau of Indian Affairs. We are aware that two Coquille members testified before your Subcommittee on April 1 regarding economic development assistance. However, before those considerations are dealt with, it is primary and essential that the Coquille Tribal government's funding base be firmly and adequately established.

Because of the importance the Coquille Tribal Council places upon its base budget, we believe it is prudent to submit this testimony. The Coquille Tribe was restored to Federal recognition as a tribe in 1989. Since that time, we have been struggling with the Bureau of Indian Affairs to establish the appropriate base funding level for our budget, consistent with B.I.A. guidelines. Thankfully, your Subcommittee has repeatedly come to our assistance. For FY 1993, along with a number of other restored or newly recognized Tribes, you funded our established population of 630 at \$1,000 per member, in accord with the B.I.A.-established funding formula for new Tribes of our size. You also directed that this be established as our base budget.

According to the Bureau's own guidelines, it was time that a stable, recurring base budget be established for our tribe. The Bureau provides funds for newly recognized or restored tribes within its New Tribes Funding line item for three years. After the third year, a restored or newly recognized tribe's funding is supposed to be shifted out of New Tribes and appear as a recurring base budget in the Tribe/Agency part of the B.I.A. budget. The Coquille Tribe received its New Tribes Funding for fiscal years 1990, 1991 and 1992, so for fiscal year 1993, B.I.A. should have transferred the Coquille Tribe funding to Tribe/Agency in its proposed budget. It failed to do this, proposing to continue the Coquille Tribe in New Tribes Funding for a fourth year.

Fortunately, after Congress appropriated \$630,000 for the Coquille Tribe in FY 1993 and directed that it be established as our recurring base, the B.I.A. commenced treating our budget as a part of Tribe/Agency, as was our due. Consequently, the Coquille Tribe participated in the distribution of the FY 1993 Congressional \$19 million general increase for all Tribes. It should be noted, however, that because the B.I.A. failed to include us in Tribe/Agency in its proposed FY 1993 budget, we were excluded from the B.I.A.'s distribution of the General Assistance welfare funds to all Tribes. The exclusion of the Coquille Tribe from those funds continues today.

For FY 1994, we hoped that our base budget would be a fully integrated part of Tribe/Agency, or what is now reformatted as Tribal Priority Allocations. We also expected that amount to be predicated upon our final FY 1993 appropriation of \$664,702. This total was reported to us by the Bureau as including the \$630,000, plus our share of the \$19 million for Tribal Priority Allocations, and perhaps one other very small program reportedly spread among Tribal bases, all minus the .85% across-the-board cut.

On this most recent April 8, when the Administration released its proposed FY 1994 budget, we immediately asked the B.I.A. what our FY 1994 base funding was and where it was located. We were informed that it was only about \$632,000, but that it was located in Tribal Priority Allocations, Aid to Tribal Government. However, the detailed budget justification, with its tribal funding chart, had not been printed and so could not be checked for more information. The next morning, we checked with B.I.A. Financial Management, which found an additional \$33,100 dedicated to the Coquille Tribe in Tribal Priority Allocations, but which had not been added to our Aid to Tribal Government amount. Also, despite supposedly being carried in the established recurring base budget, the Coquille Tribe was not included in the all-tribes distribution of the B.I.A.'s proposed \$12 million general increase for Tribal Priority Allocations (\$10 million general increase, + \$2 million inflationary increase). Nor did the Coquille Tribe show up on the tribal funding chart of tribes participating in the Tribal Priorities Allocations part of the budget.

Initially B.I.A. personnel explained that this was because the Coquille Tribe was being shifted out of New Tribes Funding for FY 1994, and so was not fully integrated. We objected. The transfer should have already occurred during FY 1993, as intended by Congress and as evidenced by our participation in the \$19 million distribution. Moreover, to suggest that the Coquille Tribe's base funding is still somehow affiliated with the New Tribes Funding would make FY 1994 our fifth year of being in that category, again denying us participation in B.I.A. distributions of funds among all tribes under Tribal Priorities Allocations.

To its credit, B.I.A. acknowledged its error, and said it would try to make the correction. That would require fully including the Coquille Tribe in Tribal Priorities Allocations and recalculating the distribution of the \$12 million among all tribes. Financial Management personnel noted that some Bureau numbers were still being adjusted that day and that they would try to get the recalculation done to be included in the last batch of corrections and adjustments being sent that afternoon to O.M.B.. But they were not sure they could get it done in time. At the end of the day, we were not able to get in touch with Financial Management to see if the correction had been carried out.

Our concern for equitable funding prompts me, on the behalf of the Coquille Tribal Council, to send you this testimony. While the Bureau may correct our exclusion, we thought we had best submit this testimony before the submission deadline expires.

Again, because this testimony deals with full recognition and participation of the Coquille Tribal government in recurring B.I.A. base funding, we ask that the Subcommittee address it, if the B.I.A. fails to do so. We ask that our FY 1994 base funding be established on our FY 1993 funding of \$664,702, that we be fully incorporated into the recurring Tribal Priority Allocations budget, and that we be full participants in any general funding increases applying to all tribes. Otherwise, we urge that the Subcommittee give all the assistance it can to the testimony regarding our economic development.

Thank you for your consideration.

STATEMENT OF L. PHILIP GUZMAN, DIRECTOR, OFFICE
OF ETHNIC MINORITY AFFAIRS, AMERICAN
PSYCHOLOGICAL ASSOCIATION

Mr. Chairman, my name is L. Philip Guzman and I am the Director of the Office of Ethnic Minority Affairs for the American Psychological Association. I wish to thank you for the opportunity to submit testimony regarding appropriations to Section 213 American Indians Into Psychology Program of the Indian Health Care Improvement Act of 1992. The American Psychological Association is seeking an allocation of \$750,000 to support this program.

The American Psychological Association (APA) represents over 114,000 members and affiliates who are committed to advancing psychology as a means of promoting human welfare. In this context, APA is concerned about the mental health issues confronting American Indians which are well documented. In fact, Dr. Everett R. Rhoades, the past Director of the Indian Health Service (IHS), testified in 1990 before the House Committee on Interior and Insular Affairs, that "mental health problems among Indian people are pervasive and devastating. The suicide death rate of American Indians on the reservation is 1.3 times the national average (over 3 times for young adult males). The homicide death rate is 1.6 times the U.S. average. For deaths from injuries and alcoholism, both of which appear to be related to the high incidence of depression in Indian country, the ratios are 2.4 and 4.3 respectively. Experience has shown, said Dr. Rhoades, that many Indian persons with alcohol abuse problems also have serious emotional problems which have not been addressed. Information also indicates that child abuse and other forms of family violence in many Indian communities may be far more common than previously known."

Thus, the mental health needs of American Indians are great. Yet, it is APA's experience that mental health services within IHS have not received adequate attention. The American Psychological Association conducted a site visit at the request of the IHS in 1991 to the Bemidji, Minnesota IHS service area. The site visit team, consisting of four psychologists, visited three sites--two reservations (Leech Lake and White Earth reservations) and an urban American Indian health center in Detroit, Michigan. The purpose of the site visit was to assess IHS mental health service delivery to American Indians.

The APA site team found a hard working, dedicated, and caring staff that was both overwhelmed by the mental health needs of American Indians and seriously understaffed. The result of these conditions is staff turnover and staff "burn out". In fact, IHS mental health staffing was not even at the level recommended by the IHS Resource Requirements which is 1.1 mental health treatment and support staff per 2,000 American Indians. In one of the three sites the APA team visited, we found only one Ph.D. psychologist. In the other sites, either no mental health care was given or it was provided by an unsupervised master's level psychologist who was also assigned to performed other non-mental health duties.

At present there are only 7 American Indian psychologists out of approximately 68 positions working in all of IHS. There is a severe shortage of American Indian psychologists. Less than 1% of all psychologists are American Indian. Given the mental health needs in Indian country and the lack of American Indian psychologist, APA strongly recommends the funding of the American Indians into Psychology Program (which is referred to as the InPsych Program). This program will foster and encourage American Indians to pursue careers in psychology. The InPsych program is similar to the InMed program (Indians in Medicine program) which has been successful in increasing the number of American Indian physicians.

If IHS is serious about addressing the mental health needs of American Indians, it needs to invest in developing a comprehensive educational pipeline for psychology from high school to graduate training. The InPsych Program proposed in the legislation is aimed at developing such a pipeline. The program will provide considerable resources at the elementary, secondary, and post-secondary levels to attract American Indians to the field of psychology. Program staff will travel extensively throughout Indian country to inform American Indians about a career in psychology. There will be three summer enrichment programs that are designed for elementary, high school and college level students where they will be exposed to the varied fields and opportunities in psychology. Funding of 20 undergraduate and 20 graduate students for four years will assure that at least 5 American Indian students graduate each year with a doctorate in psychology. Associating this program with IHS services on the reservation will result in an increase number of American Indian psychologists who would work for IHS in delivering mental health services after graduation.

The InPsych program addresses the mental health needs of American Indians by developing American Indian psychologists who in turn will work with and for American Indians. Therefore, APA strongly urges your support for the InPsych Program which has been named after the late Senator from North Dakota as the Quentin N. Burdick American Indians in Psychology Program that would be housed at the University of North Dakota. It is estimated that the annual cost of the program would be \$750,000.

I thank the members of this committee for the opportunity to submit testimony and to learn about the mental health needs of American Indians.

STATEMENT OF FREDERICK T. GRAYBEAL, CHIEF GEOLOGIST, ASARCO, SANTA CRUZ JOINT VENTURE

Thank you Mr. Chairman for the opportunity to provide testimony to the Interior Subcommittee of the Committee on Appropriations regarding the status of the In Situ copper mining research project at the Santa Cruz field test site near Casa Grande, Arizona. This project operates under a cooperative agreement between the U.S. Bureau of Mines and the Santa Cruz Joint Venture.

I would first like to express my sincere appreciation for the support and leadership the Committee has provided through funding and direction for the program in the past and in particular to Sen. DeConcini for his amendments to initiate and fund the program.

Because of the great demands on the Committee's time, I will keep these comments very brief and will be happy to provide any additional information or remarks that the members might find helpful.

The non-federal partner with the U.S. Bureau of Mines, the Santa Cruz Joint Venture (SCJV) is the prime contractor on the project, reporting to the Bureau of Mines. We work closely with the Bureau personnel from the Advanced Mining Division in both their general oversight role, and in applying their laboratory research and testing results.

Since funds were first appropriated for the field test in FY 88, we have jointly made a great deal of progress in testing the concepts originally described in the Bureau's generic In Situ copper mine design manual:

- We defined the technical parameters of the program and developed the preliminary field test designs.
- We determined the specific placement of project elements through an extensive geologic characterization of the site.
- Four monitor wells were constructed through the basin fill aquifer that overlies, at some distance, the copper deposit.
- Background monitoring of ground water chemistry was initiated.
- Five In Situ mining test wells were constructed within the proposed test zone, in what is known as a "five spot" pattern.
- We have conducted computer modeling analysis of the hydrologic and geologic data.
- We have conducted salt-tracer tests as a part of the hydrologic and geologic data collection and analysis process.
- The SCJV has also provided data and other documentation and information as necessary to the Bureau in their environmental analysis as is required by the National Environmental Policy Act.
- The Bureau has conducted a public meeting as part of that process.
- We have prepared and submitted an aquifer protection permit application to the Arizona Department of Environmental Quality (ADEQ) as required by Arizona law.

Mr. Chairman, the aquifer protection permit application process has been very comprehensive and extensive and it has taken a long time. It has been a very thorough procedure and I believe, a great learning experience for both the SCJV, the Bureau, and for ADEQ. Much has been learned which will be of benefit both to the State of Arizona and to future In Situ mining operations.

We believe the permit will be granted this fiscal year. That will allow the initiation of the field test. In anticipation of that, we are preparing equipment and completing engineering drawings and fabrication specifications for the construction of an SXEW surface plant. We are also developing a corrosion-resistant lift system which will be suitable for pumping the copper-bearing leach solution from the recovery well to the surface plant.

In the coming year we will continue to work closely with ADEQ to complete the permit process. When the permit is awarded, and when the Bureau's NEPA process is complete, we will begin to build the SX/EW surface plant. If fabrication can be initiated early in the fiscal year we should be able to complete construction and commission and test the plant. Project coordination and planning will be continued along with the development of specialized equipment as necessary.

It is our estimate that fiscal 94 activities will cost around \$1,330,000. Of this amount, the SCJV will contribute about \$330,000 leaving approximately \$1,000,000 in necessary federal funding. As the Committee directed in the FY 88 Conference Report language, the non-federal partner, SCJV, has a cost-sharing obligation of 25% of field-test costs over the life of the project.

We would also like to express support for an additional appropriation for the Bureau's in-house laboratory In Situ research which has been directly related to the data and information generated by the project were given up. But despite original misgivings, I believe a well-structured partnership to develop new technologies can provide great benefits not only to the industry in general, but to the American people - both as consumers and through the environmental advantages of the technology.

Mr. Chairman, participating in this demonstration project was, frankly, a difficult decision for the companies involved. Because of the federal funding, proprietary rights to the data and information generated by the project were given up. But despite original misgivings, I believe a well-structured partnership to develop new technologies can provide great benefits not only to the industry in general, but to the American people - both as consumers and through the environmental advantages of the technology.

I would like to say, that as a company, we believe in not only being a producing element in a community where we have operations, but a productive part of that community. We have made independent expenditures to inform the people of the city of Casa Grande, Arizona and the surrounding agricultural communities as to the specifics of the project and as to the nature of the In Situ process. Also, we have developed a video to graphically illustrate the technology and describe the whole program. I would be happy to make copies of the video available to the Committee.

We have also asked the people of the area, through a survey, to give us their opinion of the project and how we might best fit into the future of the area. The majority of the people have told us, very strongly, that they want a healthy and ecologically balanced environment. And within that framework they want a healthy and growing economy. They strongly favor a federal government role in developing new technologies that will help to stimulate economic growth and provide better environmental protection. And in an answer that we found very interesting, over 80% of the people do not want the United States to be dependent on other countries for the production of minerals.

The encouraging thing, Mr. Chairman, is that I think we can do both: contribute to economic growth without environmental degradation. That is why I would like to say a word about the importance of the Bureau of Mines Health, Safety and Mining technology programs in general and "advanced mining systems" in particular. Research and technology development programs are often the first to be jettisoned during times of budget cutting - but they should be the last to be eliminated. Technology advancement is extremely essential to future economic health. It is truly an investment. Information is the backbone of the mining industry - any industry. And certainly, knowledge is the backbone of Democracy. It is only by constantly pushing at the threshold of knowledge that we can collectively determine our future and prosper as a people. You may be interested to know that a 1993 National Academy of Sciences report, Solid-Earth Sciences and Society, identified In Situ mining as one of the important research frontiers in the earth sciences.

There has also been some concern expressed that the use of advanced technologies could eliminate jobs in conventional mining. This is not the case in my experience. It is certainly not the case in In Situ mining technology. In Situ technology provides access to very deep and otherwise inaccessible deposits. In Situ will create new jobs along with new wealth to the nation.

Thank you again Mr. Chairman for permitting me this opportunity to provide testimony regarding the Santa Cruz In Situ mining project and for supporting this program through the appropriations process.

STATEMENT OF FLOYD J. FRANCO, JR., CHAIRMAN, TULE RIVER TRIBE OF INDIANS OF CALIFORNIA

My name is Floyd J. Franco, Jr., Chairman of the Tule River Tribal Council of the Tule River Indian Tribe of California. I would like to express my appreciation to you and the members of this committee for the opportunity to present testimony on increased funding for the Tribe's 1994 Set-Aside Program (93-638 Multi-Activity Contract) with the Bureau of Indian Affairs.

The Tule River Reservation is located in a remote rural area approximately twenty miles from the nearest town of Porterville. The two nearest cities are Fresno, approximately 70 miles north of Porterville, and Bakersfield, approximately 50 miles south of Porterville.

The Reservation is accessible only by one winding paved road that follows the meandering South Fork of the Tule River. It is isolated in a rugged setting that allows for privacy and for development independent from urban or recreational sprawl.

The Tribe is requesting a funding increase in Tribal programs that we have established in an effort to respond to the needs of our Tribal members. These programs are Tribal Administration, Education, Economic Development, and Community Fire Department. Within this request for increased funding is a request for an add-on to the Set-Aside Contract of \$77,000 for law enforcement. In 1983, when the Tribe's Set-Aside Contract was first negotiated, law enforcement was not a contractible program. As a

result of P.L. 100-472, we can now contract for the needed service. However, we are unable to absorb this amount into the existing Contract without drastically and negatively affecting the balance of the programs.

The administrative duties of the Tule River Tribe have expanded greatly due to Tribal enrollment increasing by 166%, and external factors such as inflation and competitive salaries from the private sector. The current staff are unable to meet additional needs for planning, code and ordinance development, zoning and other services necessary for the orderly expansion of the reservation, along with protection of both human and physical resources. This increase would provide the additional support currently needed, along with meeting a significant portion of the projected work load increases for the next several years.

The Tribe has contracted Higher Education Scholarships and Adult Education as part of the Set-Aside Contract since its inception in 1983. These education programs, along with the Youth Work Learn Program, are operated by the Tule River Education Department as part of the comprehensive education and training services provided by the Towanits Indian Education Center. Adult Vocational Training was included in the Contract until 1987, but was dropped from the Contract because of critical funding priorities. The service population for the Education Center has increased each year while funding levels have remained constant or have decreased. The re-activation of the Adult Vocational Training Program is a critical priority which can only be accomplished if additional funds are made available through this request.

The Tribal economic development plans will provide employment opportunities for the Native population. However, little impact on Reservation unemployment rates will be made if training opportunities are not available. Tribal self-sufficiency, economic stability and self-governance are directly tied to increased education levels of Tribal members. The Tule River Tribe has been actively pursuing economic development projects for the past several years. Employment of Tribal members is an absolute necessity for the well being of the Reservation community. Profitable Tribal ventures will provide the base for public facilities and services.

The Tribe has chartered the Tule River Economic Development Corporation (TREDC), which is comprised of local business leaders. The base funding requested for economic development would provide the core staffing of TREDC, office facilities, and materials and supplies necessary to conduct business. The assurance of on-going funding would allow staff to focus on the development of economically viable projects.

Community Fire Protection was funded in 1983 for \$1,200 and has never increased. The Tribe has consistently funded the fire station at \$20,000 per year by prioritizing Community Fire Protection (CFP) in the budget planning process. The resources of the fire department are severely strained. Within the next two years the Tribe will be constructing fifty-four (54) new homes, a new education center, and a new housing office. It is critical that the Tribe be able to provide adequate fire protection. The Tule River Fire Department also provides first response for medical aid, vehicle accidents, and mountain or river rescues. The requested increase in funding would insure the Tribe's ability to meet all requirements necessary for the safety and protection of the Reservation community.

Law enforcement problems range from poaching to burglary, felony assaults, and child abuse. The lack of a functional justice

system has caused residents to view alcoholism, drug abuse and other criminal acts as an expected lifestyle on the Reservation. The Tulare County Sheriff's Department and the Reservation have recognized the critical need for effective law enforcement reinforced with proven crime prevention techniques. These are viewed as a solution to reducing all aspects of crime on the Reservation and of promoting the quality of life in the community.

On our Reservation, and on many other Reservations, the dependance on Bureau of Indian Affairs and Indian Health Service Programs could eventually be reduced if Indian people were able to take advantage of the opportunities produced as a result of economic development, education, and job training.

LETTER FROM MICHELE C. McDARMENT, CHAIRPERSON, TULE
RIVER INDIAN HEALTH ADVISORY BOARD, TULE INDIAN
RESERVATION

The House Appropriations Committee
Senate Interior Sub Committee
U.S. Senate, Room 127
Dirkson Office Building
Washington, D.C. 90510

April 13, 1993

Dear Mr. Chairman:

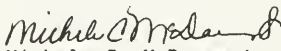
My name is Michele McDarment, Chairperson of the Tule River Indian Health Center. I am a member of the Tule River Tribe in Tulare County, California.

Tule River Indian Health Center, Inc., is a tribal sanctioned health organization, located on the Tule River Indian Reservation, governed to deliver health care services and senior citizen program services to the Indian community residing within Tulare County. This organization is also a State Corporation filed June 6, 1973, in the State of California. The health center is governed by a seven member Board of Directors.

The health center needs a new building because the present health building is very old. In the present facilities construction funds, small clinics do not make it to the priority list. The priority system uses urgency of space and isolation as factors. Native American clinics need space and are isolated. They do not get funds probably because of low population. Some funds from the facility construction should be separately earmarked just for small clinics having 2,000-4,000 patients.

Thank you in advance.

Sincerely,


Michele C. McDarment
Chairperson

STATEMENT OF DOUGLAS WOOSNAM ON BEHALF OF THE
PETROLEUM MARKETERS ASSOCIATION OF AMERICA

The Petroleum Marketers Association of America, (PMAA) a national federation of 43 state and regional trade associations representing almost 11,000 independent marketers of petroleum products, equipment and service across the country submits the following testimony regarding appropriations for oil heat research and development. While eight-nine percent of PMAA's members are classified as small businesses by the Small Business Administration (SBA),

collectively we sell over three quarters of the home heating oil and half the gasoline nationwide. PMAA requests your support for \$1.7 million dollars to fund a research and development program at the Department of Energy.

PMAA believes the oil heat research and development program is extremely worthwhile not only for consumers of oil heat, and PMAA's company members, but also for the nation as a whole. PMAA as an association itself receives none of this funding; rather, it is all allocated to the Department of Energy (DOE)'s Brookhaven National Laboratory (BNL).

The on-going DOE Combustion Equipment Technology Program for Oil Heat Research and Development at BNL has been conducting basic research for the past 15 years to lessen energy consumption and reduce pollution. The need for reducing the nation's oil consumption is clearly an objective of the National Energy Policy Act of 1992. We believe that the research conducted under this program is an effective way of ensuring that the goals of this important act become reality.

Conservation of fuel has been a priority of this program at the Department of Energy and the research conducted at Brookhaven for many years. Additionally, Brookhaven has conducted vital research in an effort to reduce emissions for years before the passage of the 1990 Clean Air Act. The Brookhaven program has been striving toward these two objectives by combining technological innovation with consumer education.

Oil Heat R&D Benefits Consumers

The BNL combustion Equipment Technology Program is wholly dedicated to improving the heating systems used by the 12 million U.S. homeowners who heat with oil. These homeowners will see a fuel savings of over \$10 billion by the end of this decade based upon work already completed at Brookhaven, and research already completed can save consumers another \$39 billion.

The fuel savings work that Brookhaven has undertaken since 1975 is best illustrated by the following three statistics: 1) In 1975, the average oil-heated home used between 1200-1400 gallons of oil per year. In 1990, the average gallon use per home was between 700-800 (that includes oil use during the extreme cold snap in January 1990). This translates to about a 50% reduction in usage per home; 2) For every dollar invested in Brookhaven's research program, more than \$1000 has been saved to date; and 3) The oil savings forecast will be over \$39 billion in the next two decades, largely due to the scientific advances developed at Brookhaven.

The core of Brookhaven's success is its technology research program. The lab is dedicated to improving every aspect of the heating process, from oil burners to boilers to chimneys and vents. Among the specific advancements is an innovative electronic device - the Flame Quality Indicator. The indicator uses a low cost flame scanner to measure flame radiation, which indicates what adjustments are needed for maximum efficiency. This simple inexpensive device can dramatically improve oil heat efficiency by reducing fuel use by about 290 million gallons a year and result in a \$3 billion savings over 10 years. New flame retention equipment and retrofit devices for existing oil burning systems were estimated to save consumers over \$10 billion through reduced oil usage by the end of this decade, the 1990's.

Another example of their progress is an improved burner design which will result in a savings of up to 1 billion gallons of distillate per year due to its efficiency. Boilers have also been greatly improved due to Brookhaven research, a low mass boiler is now being manufactured. This type of boiler is capable of operating with an annual efficiency of 85% and will conserve about 1.8 billion gallons of fuel per year.

Brookhaven is currently studying ways to improve safety and efficiency through advanced venting systems which replace chimneys to help cut down on the heat loss that occurs in homes with conventional chimneys. Potential energy and cost savings of the new venting systems are estimated to be 12% of annual fuel use or \$9 billion over the next ten years.

In addition, Brookhaven has been able to successfully augment its research efforts by utilizing heating oil dealers to educate their customers on methods to more efficiently heat their homes. In 1990, Brookhaven participated heavily in DOE's Heat Smart campaign. By working in conjunction with PMAA member companies, they were able to provide approximately 6 million homeowners with valuable tips on conserving fuel and reducing heating costs.

Continued R & D Program is Needed

For FY93, Congress allocated \$1,000,000 of DOE's conservation budget to continue the Brookhaven combustion research program on oil heat equipment. This funding level is equivalent to only 8.3 cents for research and development per oil heated home. The combustion program is an element of a key activity called Heating and Cooling Equipment, specifically the Space Conditioning Equipment Program, within the office of Building Technologies, which reports to the Assistant Secretary for Conservation and Renewable Energy.

PMAA strongly supports continuing the current research effort and believes that there are several additional projects that should be undertaken by DOE in FY94 that are equally as promising in terms of costs and benefits as the example of the flame retention head burner. These projects include further efficiency advantages, advanced combustion, and technology transfer programs to the private sector. Based on annual fuel oil consumption of one quadrillion BTU, these projects are expected to save consumers as much or more than past successes of the program are expected and have saved. Estimates of

the cumulative savings over 20 years for each of the three program elements range from \$779 million to \$12.6 billion. The total of all elements could save up to \$39 billion.

Federal Role Is Needed

Due to the non-monopoly nature of operations of fuel oil marketers who compete freely with one another, a federal R&D role is needed for the oil heat industry, even more than for competing industries that benefit from strong federal participation in R&D. The federal R&D programs for other heating fuels augment the work of the Gas Research Institute and the Electric Power Research Institute, which are funded by hundreds of millions of dollars in surcharges on gas and electricity rates that are approved by federal and state regulatory authorities.

By contrast, local oil heat marketers have no exclusive sales territories and no government approval or means to impose R&D surcharges. Major oil companies, which produce and refine oil products, do not accept responsibility for any R&D activities on behalf of equipment manufacturers or any end users, including space conditioning, automobiles or airplanes.

Most manufacturers of oil heat equipment also make gas and/or electric appliances. With a relatively smaller sales potential in oil, it is understandable that equipment manufacturers commit their limited resources to the gas and electric equipment that is the focus of the government and utility research efforts.

Therefore, it is appropriate for the federal government to provide funding for oil heat R&D, in order to maximize conservation options to the 12 million U.S. homes dependent on oil. While PMAA does not subscribe to the view that energy supplies will dry up tomorrow, it would be wise to have a strong conservation program to reduce consumer energy demand. With an investment of only \$1.7 million, the federal government can strongly encourage reduced consumer demand for home heating oil by taking advantage of exceptionally high benefit/cost ratios for oil heat R&D. This funding level represents approximately \$0.15 per oil heating home to produce oil conservation and environmental benefits that will be shared by all Americans.

Rational for Request

PMAA is aware of the limitations on the federal budget, and supports efforts to lower the deficit through reductions in federal spending. PMAA is not asking for additional budget authority. PMAA believes that the budget proposal is more than adequate for DOE to meet the needs of its various constituent publics, including oil heat.

PMAA believes that if Congress continues to fund energy R&D programs, then it is only fair to the 18 percent of American taxpayers who heat with oil receive the necessary research and development to save later. PMAA strongly urges the support of this Subcommittee for a necessary portion of DOE's total budget to continue the BNL oil heat program with such an excellent and beneficial track record. As previously mentioned, PMAA supports an annual funding level of \$1.7 million, which, while an increase over previous years, will enable the program to continue at its current operating levels, and develop new areas of energy research.

We would note that President Clinton has also indicated that a tax of \$.599 per million Btus should be imposed on petroleum. For heating oil, the impact of this tax will be nearly \$600 million per year. Returning a small fraction of these taxes to improve efficiency and provide homeowners a way of lowering their heating bill is well justified. If the Brookhaven program leads to an additional savings of 10 percent in fuel costs for a homeowner, the person's heating bill can be reduced, even though there is a substantial tax. Thus, this committee has the ability to return a very small fraction of the energy tax and eliminate the impact of the tax on American citizens.

These new areas include technology options to obtain increased energy value from fuel oil to be utilized for residential heating and cooling applications (at efficiency levels above and beyond 93%). These options include oil-fired cogeneration units, thermal heat pumps, direct drive heat pumps, and heat activated chiller designs. There is a strong potential for oil-fired heat pumps to be developed with a Coefficient of Performance (COP) as high as 1.9. This means in effect an energy efficiency for the heating system which is better than 100% (a COP of 1.9 = 190%). This system would of course obtain its additional energy from a source such as ambient air or ground water (just like an electric heat pump system). Additionally, PMAA believes that Brookhaven should explore the potential for technology transfer of highly efficient military equipment to residential heating.

Thank you for allowing PMAA to offer this statement on behalf of heating oil marketers and consumers. We would be please to respond to any question the subcommittee may have.

STATEMENT OF DORIAN SANCHEZ, CHAIRMAN, NISQUALLY INDIAN TRIBE

Mr. Chairman, I am Dorian Sanchez, Chairman of the Nisqually Indian Tribe. The Tribe's reservation is located on the Nisqually River near Olympia, Washington. The Tribe has a service population of over 2,000 and an enrolled membership of 400. Thank you for the opportunity to provide testimony. On

behalf of the Tribe let me express our gratitude for the federal assistance which the committee has directed to Nisqually. This assistance has been critical to the Tribe's efforts to rebuild the reservation community.

In the past 20 years the Tribe has embarked on an aggressive effort to repatriate our members and re-establish our homes on the reservation. Today, we have, with federal assistance, built a tribal center, community health clinic, alcohol and drug outpatient facility, tribal library, several tribal enterprises, and over 100 homes for the 400 Indian persons who now live on reservation lands. We have established an effective Fisheries Management Program including two major fish hatcheries on the reservation which produce nearly 10 million fish each year to enhance the fishery from which we all benefit.

In recognition of the budgetary constraints facing Congress, the following priorities, after careful review, were adopted by the Tribe: Adolescent and Young Adult Mental Health; Fisheries Management Issues; Child and Family Services; and, Fire Protection. The Tribe is also requesting \$2.0 million one time add-on to the U.S. Fish and Wildlife Service budget for the completion of the Nisqually Fish Hatchery at Clear Creek. Finally, the Tribe is also supporting the testimony of the Northwest Indian Fisheries Commission in requesting additional base funding for the Timber, Fish, and Wildlife program.

Adolescent and Young Adult Mental Health: \$200,000.

Request: The Nisqually Tribe is requesting an FY94 appropriation in the amount of \$200,000 to address emergent mental health issues for community adolescent youth and young adults.

Justification: Within the past 18 months, four adolescent male youth, and one young adult male, have committed suicide. Additionally there have been over 10 suicide attempts within the same time period, and at least as many threats. The Tribe has concluded that it faces an unprecedented crisis within its youth population, and has committed itself to addressing the problem.

The requested \$200,000 would be used to secure mental health counseling services for community youth (\$40,000); provide renovation of additional needed space in the tribal health clinic for mental health services (\$60,000), provide operational funds for a community crisis hot-line (\$10,000), provide training for a community Natural Helpers program (\$10,000), provide for specialized therapy and counseling services (\$65,000); and fringe benefits, travel, and program supplies (\$15,000).

Fisheries Management: \$175,000

Request: The Nisqually Tribe is requesting the establishment of the FY93 Fisheries Program budget, including the FY93 add-on to the hatchery program, as the FY94 budget in the BIA budget. It is exceedingly difficult to continually seek add-ons for identified needs each year without the permanent establishment in the BIA budget of these increases that Congress has deemed necessary. The Nisqually Tribe is also requesting an additional \$175,000 for the Tribe's Fisheries Management base budget to allow the Tribe to maintain stability and the long term success of this vital program.

Justification: The purpose of the Tribe's Fisheries Management Program is to allow the Tribe to exercise its management responsibilities as required by U.S. vs. Washington and subsequent federal court orders. The Tribe has repeatedly demonstrated to Congress the need for a permanent increase in the Fisheries Management base budget, and Congress has agreed by appropriating \$75,000 in 1991, \$100,000 in 1992, and \$100,000 in 1993. But the BIA has not recognized this directive and has failed to incorporate these appropriations into its funding base. The Tribe requests that the add-ons over the last three years be clarified to be a permanent part of the Interior budget.

Other Key Issues: Regional Issues

Request: The Tribe is requesting an increase of \$350,000 in the BIA budget to correct a central office accounting problem in 1992 that has resulted in unfair uniform reductions in the FY 1993 Fisheries Programs of the Western Washington Tribes. This reduction has caused tremendous difficulty in maintaining the high level of trust resource protection that the federal government provides the Nisqually Tribe through our Fisheries Program.

The Nisqually Tribe strongly supports the testimony of the Northwest Indian Fisheries Commission regarding regional issues. Specifically, the Tribe supports the request of \$2.1 million to be added to the BIA budget as the base budget for the Timber, Fish, and Wildlife program. It is important that this

funding be brought up to a "base" level for the Washington Tribes and made a permanent part of the BIA base budget.

Child and Family Services: \$121,000

Request: The Nisqually Tribe is requesting funding in the amount of \$121,000 to support the tribal Child and Family Services program. The Child and Family Services program provides prevention and intervention services within the community for child abuse and neglect, including child sexual abuse.

Justification: Child abuse and neglect, including child sexual abuse, continues to be a serious problem within the local reservation community, and the continued increase in the reservation population has placed an ever increasing burden on the Tribe's only Caseworker. To fulfill the Tribes obligation under federal law, which mandates that 638 contractors protect children against abuse and neglect, the Tribe desperately needs an increase in its Child and Family Services funding base.

The \$121,000 of requested funds would enable the Tribe to hire a certified Child Protection Specialist (\$30,000) to provide investigation, intervention, and treatment for child abuse and child sexual abuse cases; a Family Services Specialist (\$26,000) to work with high risk community families on parenting and family stability issues; sexual abuse therapy services for youth and families (\$25,000); facility renovation costs for the Child and Family Services Program (\$20,000); and program supplies, travel, and fringe benefits (\$20,000).

Fire Protection: \$30,000.

Request: The Tribe is requesting funding in the amount of \$30,000 to address ongoing problems with fire protection services for the reservation. The Tribe does not have the resources of discretionary funds to provide fire protection services to the community, and has had to rely on contracts with the off-reservation fire district for fire protection/emergency medical services.

Justification: The local off reservation Fire District has repeatedly over the past several years threatened the reservation community with termination of fire protection and emergency medical services due to the fact that a portion of the reservation housing area is located outside of the fire district boundary. After lengthy negotiations with the BIA, Fire District, and the Tribe, the parties mutually agreed that the only solution was to seek congressional funding.

The \$30,000 of requested funds would be used to make a combined payment to the local fire district for the year 1992, 1993, and 1994, and also provide \$12,000 for completion of a long range plan for fire protection/emergency medical services for the community.

U.S. Fish and Wildlife Service Budget

Nisqually Fish Hatchery at Clear Creek: \$2,000,000

Request: The Nisqually Tribe is requesting \$2,000,000 to be added to the U.S. Fish and Wildlife Service FY 1994 budget for completion of construction and mitigation for the Nisqually Fish Hatchery at Clear Creek. This one time appropriation request will allow the Tribe and the Service to finish the hatchery and fully meet all the permit requirements associated with its construction.

Justification : The Nisqually Fish Hatchery at Clear Creek has been constructed under the authorization of the 99th Congress. Construction was completed in 1991. However, full mitigation under the terms of the Corps of Engineers Section 404 permit has not been completed, one of the critical rearing ponds at the hatchery has failed, and the recent drought has severely threatened the immediate production goals of this facility.

The mitigation requirements include creation of replacement wetlands that were filled and impacted in the Clear Creek basin. We have successfully created and enhanced over 20 acres of wetlands on site but are still in need of creating an additional 8 acres. This request will provide sufficient funds for the land acquisition, design, and construction of the additional mitigation wetlands.

This request will also provide funding for the Tribe and the Service to correct a serious problem that is greatly reducing the ability of the facility to meet full program release goals. One of the major juvenile rearing ponds is experiencing severe groundwater pressure problems destroying the integrity of the pond.

The pond must be redesigned and rebuilt to correct the problem. This pond is critical to our short and long term production goals, and its replacement is absolutely necessary.

Western Washington has been experiencing a severe drought over the past 3 years. The Nisqually Basin is over 30 inches behind normal rainfall totals since 1989. The emergency is too severe, and the current and future impact on our production too devastating, for us not to act now. This appropriation would provide the necessary funding to develop the emergency water supply using the shallow aquifer located under the hatchery.

STATEMENT OF RICHARD GURNOE, TRIBAL CHAIRMAN, RED CLIFF BAND OF LAKE SUPERIOR CHIPPEWA

Mr. Chairman, Members of the Committee, thank you for this opportunity to present our communities needs to you. My name is Richard Gurnoe, Tribal Chairman of the Red Cliff Band of Lake Superior Chippewa.

Our small reservation is located at the extreme northern tip of Wisconsin on the shores of Lake Superior overlooking the magnificent Apostle Islands. This part of the world, while outwardly beautiful, has the fourth highest poverty level in the State of Wisconsin and is constantly struggling with economic viability.

The Tribe selected five major program areas which need continued or additional support. They are: 1) Operation & Management of our Fish Hatchery; 2) Support for Tribal Law Enforcement Program; 3) Primary Tribal Fire Protection; 4) Increased funding for post secondary education aid for Red Cliff students; and 5) Operating costs for the Tribal Ambulance Service. I will address each of these activities in brief.

AS TRIBAL CHAIRMAN, I WOULD LIKE TO THANK YOU AGAIN FOR PAST funding to construct our lake trout/walleye hatchery. Our cooperative stocking efforts with the Wisconsin Department of Natural Resources and local sportsmen's groups has been a model of cooperation for other tribes to follow. However, even though we have received funding to construct the facility, we have yet to receive yearly operational and maintenance monies. We do not have sufficient funds to go into fish production and hire the appropriate personnel. Without this financing the hatchery will be inactive and our fishery management capabilities will be eroded. Supporting this funding request means support for a conservation-oriented approach to our guaranteed treaty rights. To begin operation of this fish hatchery we are requesting \$110,000.00.

THE RED CLIFF TRIBAL FIRE DEPARTMENT STRUGGLES UNDER A BARE-BONES budget with little room for equipment upkeep and repair. The Department is composed of 22 volunteers who are dedicated to protecting not only people and property of our community but surrounding communities as well. The Tribal Fire Department provides primary fire protection for over 380 homes and businesses valued at over \$8,500,000 on the reservation and in the Township of Russell. Mutual Aid is also extended beyond our primary service areas to the communities of Bayfield and Cornucopia and the Township of Bayfield.

The Tribe operates a 1978 Ford pumper which is constantly in need of repair. Replacement parts are no longer available for this pump and an overhaul would cost \$30,000. The pumper is unreliable at times and this appropriation would allow for the essential shelter and safety of our citizens. To provide for reliable fire protection we are seeking \$94,890.00. On March 10th, our fire department was called to a scene - the truck was inoperable because

the fire hose blew off. Valuable time was lost when outside reservation help was called and a Tribal family lost their home and possessions.

AS THE TRIBE WORKS TOWARDS ECONOMIC INDEPENDENCE, MORE TRIBAL members are moving back to the area and Indian owned and operated businesses are becoming a reality. Tourism is becoming a major commercial activity with a significant increase of people into the area. While we are grateful for these economic opportunities, the need to expand our law enforcement agency to protect citizens and visitors is becoming more apparent. The Red Cliff Law Enforcement program provides primary law enforcement for a 15,000 acre reservation and 1100 plus members of the Tribe and Town of Russell and for an estimated 49,000 visitors. Current enforcement staff is comprised of one Captain, one Sergeant and one Patrolman. In addition to providing routine patrols and security for community members and visitors, they coordinate operation of crime prevention programs such as juvenile education, officer friendly program, alcohol and other drug prevention, elderly and handicapped citizens assistance, and victim/witness support services. For this priority we are asking \$124,450.00.

EDUCATION IS THE FUNDAMENTAL RIGHT OF ALL CHILDREN AND IN ORDER TO succeed in today's environment, a post-secondary education is becoming increasingly important. In order for our future leaders to face the challenge of living and governing their lives in not only a Tribal setting but a global atmosphere, we must encourage and assist them with financial aid. In the last year, The Red Cliff Education Department has been unable to provide 24% of the students with post-secondary financial aid. This is especially painful when the statistics show that 51% of students live at a poverty level. In 1921, educational programs were formalized by the Snyder Act. This legislation gave authority to the BIA to spend federal money to educate Indians. The responsibility and commitment to provide these services depends on Congressional action. To assist in securing our future we are requesting \$38,400 in education aid monies.

THE TRIBAL AMBULANCE SERVICE CONSISTS OF FOUR TRAINED EMERGENCY Medical Technicians and 3 EMT trainees, all volunteers and self-motivated. This ambulance service is the primary emergency medical service for Red Cliff's 1100 plus Tribal members and other community populace. Their reciprocal aid area extends to 350 miles. Sixty-nine percent of all calls for medical emergency help in Bayfield County are responded to by the Tribal Ambulance Service. The utilization of this service by county agencies acknowledges the level of commitment and dedication our Tribal EMT's possess. As the number of elderly and young parents with small children continues to grow, we are distressed by the possibility that we cannot meet their survival needs. Therefore, we are asking for \$30,500.00 to continue this critical operation.

WE ARE ALSO ASKING THAT HATCHERY REHABILITATION MONIES BE RESTORED to 1.5 million and that \$60,000 be earmarked for Red Cliff Hatchery Rehabilitation projects.

I APPRECIATE THIS OPPORTUNITY TO SPEAK TO YOU ON BEHALF OF THE RED Cliff people. As you make your decisions, please remember that this is the International Year of the Indigenous People. We ask your support as we work to reclaim our dignity and rights as a sovereign nation and move towards goals of self-sufficiency and self-determination.

**STATEMENT OF TERRY B. MORTON, PRESIDENT, U.S. COMMITTEE,
INTERNATIONAL COUNCIL ON MONUMENTS AND SITES**

For FY 1994, US/ICOMOS requests \$200,000 (see items I and II below):

- I. For Fiscal Year 1994, US/ICOMOS is requesting the same \$100,000 as designated in past years (\$25,000 for dues in the Administration's Budget, and \$75,000 additional funds for programs). This \$100,000 straight-lined request, represents less than 10 percent of the 1994 US/ICOMOS budget of \$1,109,881, and supports the projects presented below:
 - A. 1994 Priority World Heritage Programs \$35,000
 - ❑ Continue as Observer on World Heritage Interagency Panel staffed by National Park Service. Prepare nominations for World Heritage Sites.
 - ❑ Continue joint sponsorship with National Park Service to enhance public awareness of the World Heritage Convention through interpretation, by developing workshops, brochures, exhibits, maps, newsletters, publications, slide/video programs and traveling exhibits -- all identified with the World Heritage logo.
 - ❑ Continue Technical Advisory Services for World Heritage Sites, including Ghana, Sri Lanka, Yemen and Ecuador.
 - B. 1994 National and International Programs \$40,000
 - ❑ Continue publication of US/ICOMOS Newsletter, special subject volumes, series on occasional papers and *Historic Preservation in Other Countries*, with new studies on South Africa and China.
 - ❑ Continue to relate to and promote international committees and charters, including 14 ICOMOS cultural heritage specialized committees and 3 UNESCO cultural heritage charters.
 - ❑ Continue Summer Intern Program, in 10th year, having had in earlier years a combined total of 200 young professionals from 33 countries.
 - ❑ Continue Service Awards, as recognition for outstanding service, to members, both professional and volunteer.
 - C. 1994 Core Educational Programs \$25,000
 - ❑ Continue National Education Programs: *Newsletter*, Documentation Center, lectures, meetings, workshops, advisory services to international visitors and U.S. constituents, and 5 US/ICOMOS Specialized Committees.
 - ❑ Continue International ICOMOS Development with US/ICOMOS member serving as an advisor on the long-range planning committee; and another member as 1 of 5 international ICOMOS Vice Presidents. U.S. Vice President is responsible for developing new ICOMOS national committees and World Heritage member states in Asia and Oceania. US/ICOMOS is the Secretariat for the ICOMOS Cultural Tourism Committee.

Subtotal for FY 1994 \$100,000
- II. For FY 1994, an additional \$100,000, for Inflation Adjustment and New Programs.
 - A. For inflation adjustment of the U.S. dollar; and currency fluctuations over the 9 years relating to the French franc.

Since the ICOMOS Secretariat is in Paris, France, some of our support, primarily for dues and travel, is transferred into French francs.

\$50,000

- B. For new program funds: Cooperation with the National Park Service in developing the international dimension of the newly authorized Historic Preservation Technology and Training Center. Arrange mid-level professional exchanges with Eastern European member states of the World Heritage Convention (Poland and Russia). Conduct national preservation legislation workshops in Eastern European national committees of ICOMOS.

\$50,000

Subtotal for II

\$100,000

TOTAL OF ITEMS I and II

\$200,000

The 1980 Amendments to the 1966 National Historic Preservation Act authorize federal support to US/ICOMOS. The amendments call for the National Park Service to: 1) have a leadership role in international preservation through programs in "education, public information and training," and 2) implement U.S. participation in the World Heritage Convention. ICOMOS is designated in the Convention as the non-governmental body to conduct cultural heritage programs for the World Heritage Committee.

It is appropriate to fund US/ICOMOS in order to extend in 1994 the programs listed above and allow US/ICOMOS to continue as the focus of U.S. international preservation efforts, as a private partner with the National Park Service under a cooperative agreement. Congressional appropriations make it possible for US/ICOMOS to further its cooperative efforts with national state and local private and government organizations. These agencies and organizations include the National Park Service, the National Trust for Historic Preservation, the American Institute of Architects, the Smithsonian Institution, the American Society of Landscape Architects, the World Monuments Fund, the Advisory Council on Historic Preservation, the U.S. State Department, the U.S. Information Agency, and the Agency for International Development.

The World Heritage Committee celebrated its 20th anniversary at its 1992 meeting in Santa Fe, New Mexico, jointly sponsored by the National Park Service and US/ICOMOS. The National Park Service was challenged to actively promote, in the United States, the Convention's concept of an international cultural and natural heritage for all humankind. Concern was expressed that the National Park Service has consistently done so little to promote the World Heritage program among U.S. citizens, particularly at the 18 World Heritage sites, 15 of which are National Park Service sites. This situation is especially ironic since the U.S. introduced the concept of world heritage at the 1972 United Nations Conference on the Human Environment and pushed for its adoption.

The United States was the first country to ratify the World Heritage Convention, which now has 121 member states. The United States is currently Chairman of the World Heritage Convention.

Included at the Santa Fe 1992 meeting was a National Park Service-conducted strategic planning session for administrators of all U.S. World Heritage sites. The session dealt specifically with World Heritage Convention Articles 4,5, and 27, as mandated by PL 96-515. Recommendations for enhanced implementation of the World Heritage Convention in the U.S. focused on policy/planning, training and interpretation initiatives.

The US/ICOMOS requests are relatively small compared to the federal budget for preservation. However, US/ICOMOS has received national and international acclaim for the work that it has accomplished. US/ICOMOS programs should never be viewed "as so small that they should be overlooked, not so insignificant that they might be dismissed."

Congressional appropriations enable US/ICOMOS to continue to be an importer to the U.S. of historic preservation techniques being pioneered in other countries, especially in Western Europe,

and an exporter or preservation information on a world-wide basis, with increased emphasis in Eastern Europe and in developing Third World countries.

US/ICOMOS "provides the American preservation movement with vital links to the global preservation network. . ."

LETTERS FROM ERNEST DAMAN, CHAIRMAN, AMERICAN
ASSOCIATION OF ENGINEERING SOCIETIES

The Honorable Robert Byrd
Chairman
Subcommittee on Interior Appropriations
Committee on Appropriations
U.S. Senate
Washington, DC 20510

April 21, 1993

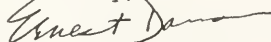
Dear Mr. Chairman:

I am writing to request that this letter be included in the public witness section of the record of the hearings on the FY94 Interior Appropriations Bill as testimony in support of the testimony of the American Society of Civil Engineers (ASCE) on the budget of U.S. Geological Survey's surface water data collection and analysis activities.

I strongly urge your Committee to provide appropriations to maintain services funding for the Federal Program for Data Collection and Analysis and the Federal-State Cooperative Program when you mark up the FY94 appropriations bill. These data collections are crucial to many activities, ranging from reservoir operations and water law court decisions to environmental impact statements. As the ASCE testimony points out, the FY93 appropriation for the Federal Program for Data Collection and Analysis was \$22.3 million, a reduction of nearly 3% from the FY93 appropriation. The Cooperative Program was funded at \$63.4 million in FY93. This program is funded on a 50/50 matching basis with the states, and any federal cut would be matched by the states. These budgets cannot afford cuts without undermining the implementation of the 1987 Water Quality Act, the 1990 Water Resources Development Act, and the 1986 Safe Drinking Water Act Amendments.

This letter represents the position of the Engineers' Public Policy Council (EPPC) of the American Association of Engineering Societies (AAES), whose member societies represent the mainstream of engineering in the United States, over 800,000 engineers in industry, government and education. Thank you for your consideration.

Sincerely,


Ernest Daman

Honorable Robert Byrd
Chairman, Subcommittee on Interior
and Related Agencies
Committee on Appropriations
U.S. Senate
Washington, DC 20510

April 26, 1993

Dear Mr. Chairman:

I am writing to request that this letter be entered as testimony in the public witness section of the record of the FY94 Interior Appropriations Bill in support of at least maintaining in FY94 the program budgets of \$174 million enacted in FY93 for the research and data collection programs of the U.S. Bureau of Mines. This request is made on behalf of the American Association of Engineering Societies (AAES), whose member organizations now represent over 800,000 engineers in the main stream of engineering design, construction, management, research and education in the United States.

As the economy continues to grow, new demands will be placed on the minerals and materials economy to provide more and new raw materials to the rest of the industrial engine of the U.S. economy. The U.S. Bureau of Mines can contribute significantly to the effort of protecting the environment, promoting sustainable resource development, and enhancing U.S. productivity.

The Bureau's health and safety research helps the Department of Labor meet its goal of zero fatalities by the year 2000 and Health and Human Services to reduce diseases caused by respirable dust; while environmental technology research on the prevention, control and reclamation of mining and inorganic hazardous wastes lessens the impact of minerals extraction and processing. This research supports other Federal agencies such as the Environmental Protection Agency, the Office of Surface Mining and the Forest Service in cleaning up mining and hazardous wastes utilizing existing Bureau-developed technologies.

Materials research is focused on substitutes to strategic minerals, reducing corrosion of materials, and developing new materials and processes that are more environmentally benign or energy efficient.

Minerals and materials information collection and analysis provide federal decision-makers with the statistics, analyses and impacts of alternative policies affecting the minerals and materials sector of the economy. Moreover, studies are performed on mineralization of federal lands to assist land

managers in developing comprehensive land management plans.

In addition, we wish to emphasize that University research support through the Minerals Institute program is one of the few government programs supporting minerals related competitive research grants and student assistantships. At a minimum, we recommend that the competitive research grants be maintained at the FY 1993 enacted level.

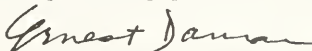
All of these areas of research and data collection and analysis are important, not only to the economy but also for the conservation and stewardship of the environment and lands of this country. For these reasons, we fully support a minimum funding level of \$174 million for the Bureau of Mines. The combination of the President's economic growth program and FY 1994 budget will continue to put pressure on the raw materials industry to provide ever increasing amounts and kinds of materials.

In addition, this growth will increase the demand for new and more efficient ways, and more benign ways to dispose of materials. The U.S. Bureau of Mines programs are central to these efforts.

We urge your committee to support the Bureau of Mines programs for continued research and development as called for in the President's Technology for America's Economic Growth, A New Direction To Build Economic Strength.

Thank you for your interest in these programs.

Respectfully yours,



Ernest Daman

STATEMENT OF THE NATIONAL WILDLIFE REFUGE ASSOCIATION

Mr. Chairman and Members of the Subcommittee: The National Wildlife Refuge Association (NWRA) is a non-profit organization founded by wildlife professionals and dedicated to the protection of the National Wildlife Refuge System. NWRA believes that the National Wildlife Refuge System can and should contribute significantly to the conservation of this nation's biological diversity. The System, however, is far from reaching this potential and is in serious trouble.

For a variety of reasons, the Service has failed over the years to develop a consistent program and credible budgetary strategy for the Refuge System and, thus, to seek adequate appropriations for its basic operations and maintenance. The legitimate growth of the Refuge System coupled with inadequate documentation of its real funding needs and inflation has resulted in a crisis for this unique national treasure. Thus, the NWRA is requesting an increase in appropriations for FY94 and a more meaningful budgetary subactivity description for refuges as discussed below.

REFUGE SYSTEM OPERATIONS & MAINTENANCE (\$210 million/+\$49.6 mil.)
NWRA's knowledgeable refuge professionals believe that a total of \$420 million is required for the operation and maintenance of the more than 486 refuges encompassing nearly 91 million acres nationwide. Funding enacted in FY93 was \$160.4 million. With recently

proposed reprogramming for "regional office general administration" that figure will be reduced (-\$3.3) to just over \$157 million.

In FY94, NWRAs requests an appropriation of \$210 million (increase of \$49.6 million) simply to bring the Refuge System up to 50 percent funding level. Without such an increase the protection of refuge resources, the management of public use and the maintenance of needed facilities will continue to be sacrificed on refuges across the nation. NWRA recommends the \$49.6 million increase be provided for the high priority needs outlined below.

Base funding for refuge field stations (\$12.5 million)

Despite increased appropriations in recent years, less and less funding is available at the field station level. Based upon FY92 nationwide summary figures 80% or more of annual field station funding is required for fixed costs, and there is concern that fixed costs consume 90-95% of the funding for some refuges and severely limit their capability. In Region 4, for example, the operational margin above salary expenditures has declined from 23% to 13% over the last three years. Further reductions in the operating margin will require reductions in staff for field stations to continue to pay costs and operate. Therefore, NWRA urges the Subcommittee to provide funding sufficient to increase the base funding for all field stations by 10-15%.

Expanded and new refuges (\$10 million/100 FTEs)

There is a backlog of \$55.6 million in annual operations and maintenance needs on new and expanded refuges due to the growth of the System (43 new refuges since 1988) without concomitant funding. The funding requested would provide 2-3 staff and modest operating budgets for each new refuge and help to alleviate the resource drain on older field stations.

Water rights, purchase and delivery (\$4 million/25 FTEs)

Adequate supplies of water are essential to western refuges and fish hatcheries. The needs of the three western regions (1,2,6) are as follows: Identification & Protection (+\$1.087/20 FTEs); Quantification (+\$.311/4.5 FTEs); Purchase & Delivery (+\$2.473); Adjudication (+\$.030/ Alamosa and Arapaho NWRs).

Threatened and endangered species protection (\$10 million/100 FTEs)

In addition to the numerous listed species occurring on refuges, 359 candidate species have been reported. Refuges can and should aggressively promote the conservation of candidate species in order to negate the need for their listing as well as take actions to conserve, recover and reintroduce listed species.

Biodiversity conservation (\$6.6 million/55 FTEs)

While refuge programs already contribute to the conservation of biodiversity, their potential is far from being realized. Further some programs undertaken without regard to their impacts on diversity need to be reviewed and evaluated. The funding requested would provide for the development of appropriate methodologies, inventories, evaluations and direct management actions to promote the conservation or restoration of biological diversity on refuges.

Watchable wildlife and environmental education (\$6 million/20 FTEs)

Twenty-eight million people visit refuges annually and bring important revenue to local businesses. Over 70% of these visits involve "watchable wildlife" related recreation and education purposes. In order to implement a multiple agency Watchable Wildlife MOU, the Service needs funds (\$6 mil.) for wildlife viewing sights, nature trails, auto tour routes, interpretive displays, observation tours and educational outreach materials. In addition, \$2 mil. and 20 additional outdoor recreational planners are needed to develop more widespread and effective educational programs on refuges in order to promote a better understanding and appreciation for natural resource values and the need for their conservation.

Refuges 2003 implementation (\$.5 million)

This programmatic management plan is to be finalized at the end of 1993. The translation of the plan into field station management is necessary

for its effective implementation. The funding requested would provide for important workshops and a national symposium involving refuge managers, administrators and NGO representatives.

In addition, NWRA strongly recommends that the more specific and descriptive budgetary categories provided below be adopted in lieu of the "refuge operations and maintenance" subactivity used above. We believe this change is essential to the development of more consistent Service budget requests reflective of the real needs of the Refuge System. It will also, we believe, facilitate understanding of programs and the tracking of expenditures.

1. Refuge Resources Protection and Management (65% /\$136 mil.)

- *Visitor and Other Public Services
- *Habitat and Populations Protection and Management
- *Cultural and Historic Resources Administration
- *Wilderness Protection and Administration
- *Administration of Public and Economic Uses
- *Endangered Species Responsibilities
- *Fire Presuppression and Suppression
- *General Administration, Training and Planning

2. Refuge Maintenance (35% of funding/\$74 million)

- *Structures
- *Equipment
- *Utilities
- *Water Rights Adjudication and Water Delivery
- *Contaminant Cleanup

Finally, NWRA is opposed to the use of refuge operations and maintenance monies to fund "habitat improvement" projects on private lands in view of the critical shortfall of funding for refuge field stations and the potential availability of other sources of funding.

LAND AND WATER CONSERVATION FUND (Appropriation/\$ 100 million)
The Land and Water Conservation Fund: The Conservation Alternative for Fiscal Year 1994 includes \$320 million in crucial refuge land acquisition project needs. NWRA recommends an appropriation of \$100 million including funding for our seven priority projects below.

- RO 1/ San Joaquin River (CA) - \$10-14 mil./ 5400 acres (Mapes Ranch) (threatened Aleutian Canada goose & nationally significant wildlife habitat)
- RO 2/ Trinity River (TX) - \$5 mil./ 15,000 acres (nationally significant wetlands/bottomland hardwoods)
- RO 3/ Ottawa (OH) - \$3.9 mil./ 2014 acres (nationally significant wildlife habitat)
- RO 4/ Pelicar Island (FL) - \$8 mil./325 acres (endangered West Indian manatee & colonial birds)
- RO 5/ Canaan Valley (W VA) - \$10 mil./ 24,000 acres (nationally significant wildlife habitat)
- RO 6/ Cokeville Meadows (WY) - \$1.5 mil./3000 acres (nationally significant wetlands)
- RO 7/ Kodiak (AK) - \$2 mil./ 1000 acres (anadromous fish, bald eagle & Kodiak bear)

REFUGE REVENUE SHARING FUND (Appropriation/\$ 14.1 million)
NWRA recommends an appropriation sufficient to provide full funding of the payments to counties in lieu of taxes to assist counties financially and to reduce opposition to the establishment and expansion of refuges, stemming at least in part from payment shortfalls in previous years.

STATEMENT OF STEPHANIE DEMPSEY, HEALTH CENTER
DIRECTOR, NATIVE AMERICANS FOR COMMUNITY ACTION, INC.

Mr. Chairman, and members of the Committee, on behalf of Native Americans for Community Action, Inc. (NACA), and its urban Indian health program, thank you for the opportunity to apprise you of a vital basic need among northern Arizona's urban Indians.

The Flagstaff urban Indian health program is facing a crisis. It is not possible to keep pace with the rising costs of salaries, medical supplies and malpractice insurance given the base funding NACA has been earmarked by Congress to receive. In 1989, Congress made a commitment to Flagstaff, that the identified need was significant enough to line-item us into the budget. We asked for \$782,987 with justification from all over the nation on what support would be necessary to fund even a modest clinic. We received \$197,500. NACA has diligently sought alternate funding sources, but the gap is too wide. I am requesting that this committee support earmarking the NACA Family Health Center (FHC) at a \$500,000 base funding level. I was told last year that my testimony would not be considered because the current policy of the Committee is to not increase funding of any individual program but that only overall increases will be made. That is exactly what occurred. Our total budget is equal to other health center's increase. This made the larger programs (who receive large sums already) receive significantly higher increases and did very little for smaller clinics such as ours. The allocation formula only benefits the larger, more established programs. Although across the board increases may be appropriate in the fair and equitable treatment of all programs, the Committee must first ensure that each individual program receives its necessary base funding. At present, the Flagstaff program does not. We are only requesting support and equity for services to the largest tribe (Navajo) in the nation, and for the largest relocation efforts in U.S. history, that both impact Flagstaff's health economics.

Navajo Area had never received urban monies until the inception of the NACA Family Health Center. We have over 3,400 patients on file and average ninety new patients each month. There are over 6,000 encounters per year with only one physician. Since opening in 1991, NACA has maintained high quality services at approximately the same budget level supplemented by non-Indian Health Service funding. While NACA has aggressively developed alternate sources of support, it should be recognized that the amount of state, local and private generated revenues available to subsidize IHS funding has significantly declined all over the nation. The notion that Indian people who reside in urban areas can seek alternate care in place of urban Indian health is not valid for Flagstaff. The closest community health center is 150 miles away. Flagstaff has been designated by the Department of Health and Human Services as a Medically Underserved Population (MUP). This is indicative of the medically indigent population residing in our area and the documented barriers to access health care. The closest IHS facility is 60 miles away. There is no low income primary care health service facility in Flagstaff. NACA meets a vital unduplicated need in Flagstaff, one that can not or will not be assumed by other providers.

It is clear the nation must cut costs everywhere as President Clinton has suggested. Furthermore, he has made it clear that there can be no "sacred cows." Reducing primary health care services does not save money. Many of the health conditions which now cause excess disease and death among the urban Indian population could be prevented. Quality, culturally sensitive health promotion programs which focus on reducing health risk factors prevalent in urban Indian communities could prevent such costly health problems as diabetes, injuries, cancer, childhood infections, and heart disease. My request, I am certain, will save precious federal dollars by providing necessary prenatal, prevention and curative services through the managed care model to minimize the astronomical costs of hospital care. NACA has been a successful model in providing quality primary health care affordably and will continue to be with your support.

Your support to urban Indian health programs is very much appreciated. Thank you.

NATIVE AMERICANS FOR COMMUNITY ACTION, INC.
FAMILY HEALTH CENTER
OPERATING BUDGET
9/28/93 - 9/27/94

		TOTALS
PERSONNEL WAGES		
MEDICAL STAFF		
Physician	\$75,000	
Registered Nurse (.50 fte)	15,737	
Registered Nurse (.50 fte)	14,000	
Medical Assistant	14,988	
ADMINISTRATIVE STAFF		
Health Center Director (.75 fte)	28,743	
Front Office Supervisor	17,773	
Administrative/Financial Asst	23,031	
Billings Clerk	18,633	
Accounts Receivable Clerk	17,773	
Receptionist	12,480	
ON CALL STAFF		
Medical Assistant 20 days/yr @ \$6.00	1,008	
Receptionist 20 days/yr @ \$6.00	<u>1,008</u>	\$240,174
FRINGE BENEFITS		
Social Security	\$18,373	
Health and Life Insurance	20,592	
Sick Leave	5,496	
Flexible Benefit Fund	5,250	
Workers Compensation	1,441	
Unemployment Tax	<u>1,440</u>	52,593
EQUIPMENT	<u>\$1,000</u>	1,000
OPERATING EXPENSE		
Medical Supplies	\$ 9,000	
Lab Fees	20,000	
Pharmaceutical Supplies	12,000	
Radiology	27,000	
Supplies	7,000	
Travel	3,500	
Staff Training	5,000	
Recruiting Expense	1,000	
Building Lease	48,000	
Telephone	5,500	
Equipment Lease	1,000	
Equipment Maintenance	1,634	
Insurance & Bonding	10,000	
Printing, Subscriptions	3,000	
Professional Fees	<u>10,000</u>	163,634
INDIRECT COSTS (47% of Personnel & Fringe)		<u>137,600</u>
TOTAL		<u>\$595,000</u> <u>=====</u>

STATEMENT OF IRWIN GROSS, CHAIRMAN, ICC TECHNOLOGIES

My name is Irwin Gross. I am the Chairman of ICC Technologies, a manufacturer of gas-driven desiccant heating and cooling systems. My testimony is on behalf of the American Gas Cooling Center and the gas industry RD&D funding initiative request for a larger natural gas cooling program at the Department of Energy's Office of Conservation and Renewable Energy.

First of all, I want to thank the Subcommittee for its past efforts to restore historical funding levels for natural gas cooling R&D. We at ICC, however, feel very strongly that gas

cooling is one technology that warrants funding at a level far greater than the \$6 million in the fiscal year 1994 appropriations. The American Gas Association is requesting \$20 million in funding to support research for gas cooling at the Department of Energy. The natural gas industry, the energy efficiency community (Blueprint for a Sustainable Energy Future) and the Business Council for a Sustainable Energy Future all support this level of funding.

ICC Technologies is a small manufacturer of desiccant heating/cooling systems which are adaptable to run on any power source -- gas or electricity generated by fossil or renewable resources -- but I chose to operate my systems on natural gas. It is far superior to other fossil fuel sources and, in most cases, is more economical than renewable sources. That is why I am here today to support natural gas cooling.

Desiccant cooling, as the name implies, is a cooling system that uses a non toxic inert material to remove moisture from the air. Currently, desiccants are primarily used in humidity sensitive environments such as supermarkets, pharmaceutical manufacturing and "clean rooms" for electronics manufacturing. The new generation of desiccants to be developed with DOE's assistance will have the ability to remove 90% of the moisture from the air and will be applicable to all building types and uses.

People in the dry climates of the western U.S. have long used direct and indirect evaporative cooling; the most energy efficient air conditioning system in the world. By adding a desiccant wheel, ICC's new Desert Cool unit is making direct and indirect evaporative cooling effective across the country in a very energy efficient manner. After the desiccant removes the latent heat associated with humidity, removal of the sensible heat requires only enough power to turn the wheels and fans of the system.

Desiccant systems are not only extremely efficient, they are CFC-free. The installation of gas-fired desiccant cooling not only helps non-attainment areas comply with the Clean Air Act Amendments, but assists in alleviating global warming and the depletion of the ozone layer. Aside from its environmental benefits, however, desiccant systems have other societal benefits to offer.

The gas-fired desiccant cooling systems ICC is advocating are effective for improving load factors on both electric and gas supply systems. In that way, they improve the nation's return on investment in its electricity and natural gas infrastructure.

The high efficiencies available with desiccant technologies and the use of natural gas can reduce brown outs and blackouts, as well as lowering customer utility bills. Any reduction in utility costs will be welcome in light of the expected increase in energy costs associated with the President's energy content tax. Several utilities have recognized gas cooling's ability to reduce peak load and are using rebates to encourage the use of gas cooling.

Desiccant cooling can also control energy use and levelize gas consumption loads by regulating humidity levels during the spring and fall. The new generation of natural gas desiccant systems will allow homeowners and building operators to separately control both temperature and moisture. This has significant implications. Traditionally, humidity control is linked to air conditioning -- we turn on our air conditioning to eliminate humidity -- a job it does very inefficiently. This results in overcooling (cold and clammy homes and buildings). Desiccant systems use less energy by separating control of temperature and humidity. We can dehumidify without cooling. By removing humidity we can reach very comfortable conditions at higher thermostat settings, saving significant amounts of electricity. This becomes very important in areas such as Washington DC, which are typically humid in the spring and fall while temperatures are quite comfortable.

The humidity control aspect of desiccant technologies also plays a role in improving indoor air quality. Because of the often high level of humidity remaining in the air going into ductwork in conventional air conditioning, a lot of condensation takes place, resulting in the

accumulation of mold and mildew. This serves as an excellent breeding ground for microorganisms, one of the leading causes of "sick building syndrome." Since desiccant systems feed dry air into the ductwork, they prevent conditions which allow biological contaminants to multiply. In a time when attention to energy efficiency and building standards are leading to tighter and tighter buildings, desiccant systems can play an important role in keeping humidity levels low and allowing for the introduction of fresh air in an energy efficient way. Initial tests with Lehigh University in Pennsylvania indicate that our desiccant units have the ability to eliminate microorganisms in the air that passes through the system. A second series of tests with both Lehigh University and the Hahneman Medical College in Philadelphia will be done shortly to see if our desiccant systems can significantly reduce the transition of serious airborne diseases in hospitals.

One of the most important reasons that the government should be significantly contributing to gas cooling RD&D efforts is one of economics. Currently most gas cooling manufacturers also produce electric equipment so there is little incentive for manufacturers to commit vast resources to their gas technologies. Without a significant government contribution and vote of confidence, you will see little expansion of the gas cooling market. In fact we are watching more and more of the industry go overseas. Like so many other technologies gas cooling originated in the United States, but recently as U.S. funding has decreased, foreign governments and industry have put more resources into improving systems that were originally American made. We have not yet lost the advantage, we still export over 50% of our gas cooling products. Since electric rates are higher in almost every other country gas cooling is becoming the most effective method of cooling, driving the funding for foreign research. A significant effort is needed if we are to remain a world leader in natural gas cooling. If natural gas cooling research, development, demonstration and deployment efforts at the DOE Office of Conservation and Renewable Energy is not increased, we risk losing this market to our foreign competitors, as we have with so many critical technologies. We have the potential to create a vast export market for gas cooling, promoting American technology and creating important new jobs in manufacturing, but we must act now.

The gas industry has made significant strides in improving the state of natural gas cooling and is committing well over \$15 million annually to R&D efforts alone. ICC Technologies is working with Engelhard Corporation to develop a desiccant that is 40% more efficient than those currently on the market. This is one of the many projects to which the gas industry is committing resources. There are many other efforts in the initial stages of development; however, it is difficult for manufacturers to feel a real commitment to gas cooling when the government level of support and interest has been so low over the last decade. Government cooperation is needed for gas cooling to reach its full potential.

Gas cooling is a winning situation for everyone involved. President Clinton recognizes this and has made the increased use of natural gas and increased energy efficiency integral parts of his energy strategy. He rightly realizes that the U.S. has the opportunity to save vast amounts of energy in an environmentally friendly way, while creating jobs and expanding a potentially huge export market. A committed government research and development program, hand in hand with a significant industry effort, will have a tremendous impact.

In conclusion, I want to make it clear that neither the gas industry nor ICC Technologies is looking for "special project" monies. We simply feel that significant resources must be committed to an existing DOE research program that has suffered from insufficient funding in the past. I hope we can count on your support.

Thank you for the opportunity to submit testimony. If you have any questions please feel free to contact me. I would be happy to answer any questions you may have.

STATEMENT OF JOSEPH T. HYDOK, EXECUTIVE VICE PRESIDENT,
CONSOLIDATED EDISON CO., OF NEW YORK, INC.

My name is Joe Hydok and I am an Executive Vice President of Consolidated Edison Company of New York, a combined electric, gas and steam utility serving New York City and Westchester County. Besides representing Con Edison, I am here today as a participant in the gas industry's RD&D Funding Initiative and also as a member of the American Gas Cooling Center. Consolidated Edison is very interested in research and development for natural gas cooling technologies and we support continued and sufficient funding for this area by the Department of Energy.

As you know, President Clinton has built his energy policy on three basic principles: increased energy efficiency, the increased use of renewable energy, and the increased use of natural gas. Natural gas cooling provides two of these by encouraging the increased efficient use of natural gas. Now is the time for the government to become fully involved, technically and financially, in gas cooling research and development efforts. Unfortunately, the Department's budget requests for research, development and demonstration (RD&D) of gas cooling and gas heat pump technologies have been generally declining for a number of years.

The gas industry, on the other hand, has expanded research and development funding for natural gas cooling equipment in the last 15 to 20 years. Much of today's equipment can supply both heating and cooling capacity and is much more efficient than earlier models. Sophisticated controls, added heat recovery, and the use of new materials have boosted the performance and competitiveness of these products. The first generation equipment is making headway primarily in niche markets; better second generation technology, now in the R&D stage, will build on this early success.

In a recently completed assessment, "The Potential for Natural Gas in the United States," the National Petroleum Council (NPC) states the need for federal government funding for the development of advanced gas cooling technologies. In addition, the NPC study also notes that benefits may be derived from federal government assistance in a less traditional R&D role, that of supporting the demonstration and commercialization of gas cooling equipment.

Consolidated Edison is a combination utility which delivers both gas and electricity to its customers, and as such, has a very specific interest in supporting increased funding for the DOE natural gas cooling program. We have long advocated and funded research and development efforts which address the effective utilization of gas for air conditioning.

Our R&D Gas Cooling Program is intended to improve the overall efficiency of gas cooling technologies, to offer customer savings and to provide benefits to the environment. Specifically,

gas cooling benefits Con Edison customers through annual operating savings in that they realize lower utility bills with gas cooling than with electric cooling. Gas cooling provides other benefits in that it shifts electric cooling demand to our gas system and helps to limit the need to add new electric system capacity. In the summer our electric system is heavily utilized, while the gas system has excess capacity. Gas cooling permits the synergistic use of both systems and minimizes the need for costly new electric capacity additions. Consolidated Edison Research and Development is therefore continuing its effort to evaluate and improve the performance and economic benefits of gas air conditioning.

In addition to R&D support for gas air conditioning, Consolidated Edison, through its Demand Side Management Program, also known as the Enlightened Energy Program, provides substantial rebates for customers who install gas air conditioning. Gas air conditioning equipment normally sells at a significant "premium" to electric chillers, that is, gas equipment has a higher "first cost." Our rebate program is intended to address this cost difference and to offer our customers an incentive to select gas air conditioning equipment. With these rebates, customers can more quickly "payback" the cost premium of gas air conditioning through operating cost savings. Con Edison rebates also make sense for the Company in that the use of gas instead of electricity in the summer by our customers enables us to avoid or, at least defer the need to add costly new electric generation, transmission and distribution capacity. Consequently, our company even offers its Enlightened Energy gas cooling rebates to Consolidated Edison electric customers who receive gas service from Brooklyn Union Gas, with whom we share the New York City gas market. In summary, natural gas cooling makes good economic sense for both Consolidated Edison and its customers.

You might ask, "If Consolidated Edison customers are already installing gas cooling equipment, what is the need for further DOE research, development and demonstration?" Currently, gas cooling is economical primarily where electric rates are high and where utilities offer rebates which reduce the initial cost of the installation of the equipment. Continued research will help to bring initial costs down. Further government and industry research is needed to perfect advanced natural gas cooling technologies that are even more efficient than those currently in use. The residential market and the light commercial markets are, as of yet, virtually untapped, potentially fruitful areas for gas cooling equipment. The Gas Research Institute, Con Edison, and other gas utilities are actively supporting RD&D on promising gas heat pump and desiccant systems. However, more government research is needed in order to make timely progress.

Consolidated Edison truly feels that the United States government, through participation in RD&D activities, has a unique opportunity to help the country take advantage of the many societal benefits available through the increased use of natural gas cooling. The U.S. can become an international leader in the gas cooling arena. We currently export natural gas cooling equipment to the world market. Further research and technological breakthroughs may well help us to capture an even greater share of international markets and may expand the potential for jobs in the natural gas cooling industry here in the United States.

Numerous other benefits may accrue from a larger gas cooling market which depend on sufficient government participation in research and development. Gas cooling is environmentally friendly, and provides electric system capacity benefits. Gas cooling technologies are efficient and use less total source energy than do electric cooling alternatives. Further, natural gas cooling is economical and has a low life cycle cost. In New York City, with Con Edison rebates, the payback period for the natural gas cooling equipment is relatively short.

In conclusion, Consolidated Edison would like to encourage the subcommittee to consider funding DOE's natural gas cooling program at the \$20 million level. The gas industry's RD&D Funding Initiative and the American Gas Cooling Center are also advocating this level of effort. We are aware that this represents a large increase over last year; however, we urge you to look at the numerous potential benefits. We cannot afford to let the Department of Energy research, development and implementation efforts lapse. Natural gas technologies, for all the benefits they provide, are still relatively new and need the Department's help both financially and technically to realize their true future potential.

Thank you for the opportunity to submit testimony to the Committee. If you have any questions please feel free to contact me. I would be happy to answer any questions you may have.

STATEMENT OF FRANK BAKER, PRESIDENT, STRUCTURAL INSULATED PANEL ASSOCIATION

Mr. Chairman and Members of the Subcommittee. I am Frank Baker, President of the Structural Insulated Panel Association (SIPA), an association of manufacturers of structural insulated panels. These panels replace traditional wood framing in the outside walls and roofs of residential construction, and are better for the environment because they are inherently more energy efficient than traditional construction materials and reduce the need for virgin timber. SIPA has over 80 members from all over the United States, who produce 80% of all structural insulated panels nationwide. Our membership relies on the research, development, and demonstration of advanced panel techniques. In order for our member companies to prosper, the panels need to be demonstrated, and the resulting energy savings documented. Only in this way will builders see the inherent benefits of structural insulated panels. The housing industry is one of the few United States industries that has not yet fully embraced the technological advances of the late 20th century. Panelization and industrialized housing are efforts to bring quality control, cost effectiveness, energy efficiency, and affordability to the housing market.

I am here today to express my support for increased funding for the Department of Energy's (DOE) Residential Buildings Program, a part of the Conservation and Renewable Energy request. I understand that this Committee recommended an increase in the budget for fiscal year 1993; we thank you for this and find it an appropriate use of funding. We at SIPA feel that additional funds are vital to the advancement of state-of-the-art and energy efficient building technologies, such as the structural insulated panel.

SIPA has collaborated with and supported the research activities of numerous academic and testing institutions. In this context, SIPA has been working with two of the research organizations involved in DOE's residential buildings program, the University of Oregon and the Florida Solar Energy Center. Those institutions have been performing research on energy efficient industrialized housing (EEIH) for five years in cooperation with DOE, state governments, and industry groups and they plan to continue their valuable efforts. Research and development over the next few years will be of vital interest to industry. I understand that further efforts will include providing energy efficient housing design tools to industry and product retailers, research into products made from advanced and recycled materials, advancing the state of housing component delivery systems, and constructing demonstration houses so manufacturers can see how energy-efficient components actually perform. The project will also continue to work with builders and media to deliver energy efficient housing to the public. This type of research is important if we are to advance the energy efficiency of the American housing industry.

Funding for the EEIH program should continue to be an integral part of the Department of Energy's research agenda. EEIH research and development activities are vital to American panel manufacturers.

The EEIH program has practical applications for the housing industry and we at SIPA are glad to be participating in their research efforts. For example, the Florida Solar Energy Center (FSEC) has been conducting a comprehensive field study of the performance of house constructed with structurally insulated panels in Louisville, KY. A panelized house was constructed directly next to a stick-built house with identical design, size, and insulation values. FSEC is analyzing the performance of both buildings to obtain energy performance and cost comparison. The results are showing that a structural insulated panel house can cost less and be more energy efficient than a conventional house. The EEIH project has also made visits to manufacturers to analyze their process and products and make recommendations. This type of third party evaluation is crucial to increasing the market share of structurally insulated panels.

SIPA has been working with the University of Oregon in the Northwest where a SIP prototype home is being built. Northwest builders have resisted panelization until recently, but there are numerous reasons for the sudden interest. First, as I already mentioned, building with structural insulated panels allows for increased energy efficiency and a lower first-cost. Quality control also improves because manufacturing takes place in a factory setting as opposed to on the housing site. Second, and of specific interest to the Northwest, is the fact that the panels can be made with a lesser grade of wood than can the frames and other structural components of a stick-built house. This protects our old growth forests and lets the housing industry instead use newer wood and wood by-products. EEIH is building its first fully panelized house in Springfield, Oregon, an area which is particularly sensitive to forest issues.

The EEIH team has actively solicited industry and manufacturer involvement in this program. They seek practical advice and annually convene a steering committee meeting comprised of industry representatives

to help them direct their research efforts. This program is an example of the Federal government working directly to strengthen a traditionally fragmented industry. We are very encouraged to see this type of activity, for it will help to increase the use of energy efficient building components, thereby not only increasing the energy efficiency of industrialized housing, but also American competitiveness. The housing industry, unfortunately, consists of many small producers and cannot support the R&D needed to help improve building products and processes; therefore, a vigorous applied government research program is invaluable.

EEIH research has focused on the use of panels in industrialized residential construction. The natural insulating properties of the panels allow for a tighter building envelope and increased energy efficiency. In addition to experimenting with the use of the panel, the researchers have delved into the mechanics of manufacturing houses that use the panels, in-plant and on-site quality control, and integration of the panels with traditional building components. Although the panels are inherently energy efficient, there are a number of factors that have reduced penetration of these panels into the marketplace. The unique structural characteristics of the panels have not been fully exploited because contractors and designers are not used to working with these advanced materials, and are using design tools geared toward traditional framing materials. Current tasks at the University of Oregon are helping to change this by educating designers and contractors on how to use the structural insulated panels most effectively.

The Energy Efficient Industrialized Housing project researches manufacturing processes, delivery systems, construction practices and innovative materials. Although this research has examined a variety of construction materials, the emphasis on structural insulated panels has, in the opinion of SIPA, been appropriate, given the inherent energy efficiency of the product. Panelized construction is the strongest housing industrialization trend in the U.S., with a market share that increased from 29% in 1980 to 36% in 1989. Within this market sector, the structural panel growth has been remarkable, with a 40% increase between 1988 and 1991, and even stronger growth predicted in the future, according to a recent study sponsored by the University of Minnesota's Natural Resources Research Institute. This trend is expected to continue, especially as wood prices continue to increase. We believe that the increase in market share is due in part to cost savings when compared to conventional framing techniques. Further market penetration of panelization into the housing market will continue to reduce housing costs; as demand for the panels increase, costs will decrease.

Further research planned by the DOE project will aid the SIPA manufacturers. This research will provide design tools, investigate retrofit applications and advanced materials that can be used as the panel core infill. Possibilities for replacement materials include recycled paper products, foamed fly ash, and other traditional waste products. Researchers are also examining structural insulated panel applications in multifamily and remodeling applications, and are developing computer software that will help to increase the efficiency of manufactured housing factories by graphically illustrating how changes in layout, labor, and materials will affect the manufacturing process. This research will culminate in the development of what are being called 'Envirovion Houses' to be featured in Better Homes and Gardens Magazine's November 1994 issue. Envirovion houses are an exciting concept, for they are marketable houses that combine energy efficiency, environmentally responsiveness, aesthetic beauty, and handicapped accessibility. Additionally, the EEIH team will continue field and laboratory evaluations of innovative construction products and systems. Through their partner, the Department of Industrialized Engineering at the University of Central Florida, they will begin to apply to housing, engineering principles that have dramatically improved productivity in other industries such as automobile and electronic manufacturing. These principles will include concurrent engineering, benchmarking, and process simulation.

It is my understanding that a number of research organizations are investigating advanced housing techniques for energy efficiency. This is as it should be. Some, like the University of Oregon, should concentrate on design process automation, demonstration projects, and panel innovations, such as the development of recycled infill. Others, such as FSEC, through their third-party testing, evaluation and proactive work with builders, are needed to bring awareness to consumers and builders. This work will complement the efforts of SIPA and its members, which focus on market research, quality control, code compliance, installation refinement and other research focusing on installers and end-users.

In conclusion, I would again emphasize the need for a substantial residential buildings energy program by the Department Of Energy. We in the industry recognize the government's increasing contribution to energy efficient housing over the last five years, and recognize the need for such a program because of the diverse nature of the housing industry. In particular, the Department of Energy's Energy Efficient Industrialized Housing program has addressed the needs of the housing industry through its focused attention on the need for research and development of affordable energy efficient housing techniques. The importance of this program implies our concerns that Congress continue adequate funding of the program. Significant government involvement is necessary to move the housing industry toward increasing the energy efficiency and affordability of the nation's housing stock. I will be happy to answer any questions you may have on either SIPA or my testimony.

STATEMENT OF MARK MERCIER, TRIBAL CHAIRMAN, CONFEDERATED TRIBES OF GRAND RONDE COMMUNITY OF OREGON

Mr. Chairman, my name is Mark Mercier, Tribal Chairman of the Confederated Tribes of Grand Ronde, of Western Oregon.

My testimony is to request \$5,042,800 for a IHS Construction grant under authority of Public Law 102-573, Section 306, for a new Health and Wellness Center at Grand Ronde, Oregon. In addition to serving Grand Ronde Tribal members, this Clinic will also serve the non-Indian neighbors residing here. If the Tribe is successful in obtaining its grant, a subsequent year recurring appropriation of \$934,500 for the additional 17 staff (\$ 722,500) and Operation & Maintenance (\$ 212,000) will be requested.

The Tribe, in conjunction with the Portland Area Indian Health Service, has assessed the health care needs of the Indian population at this location and evaluated the ability of the existing health care delivery system to meet those needs. The findings of this evaluation are that a new health facility is required. However, the Indian Health Service has indicated that there is no funding to address this critical and immediate need, as specified by the Portland Area Director.

The Indian Health Service Health Facility Priority System is not responsive to small Indian communities and consequently the health facility need score of the Confederated Tribes of the Grand Ronde cannot compete with communities with larger populations. Furthermore, the Health Facility Priority System does not recognize the merits of building a Tribal facility which serves the entire community, Indian and Non-Indian.

With the Termination Act of 1954, the Grand Ronde Tribe ceased to exist from a federal standpoint and health care deficiencies began to mount. There was no federal support for Tribal members until Public Law 98-165, the Grand Ronde Restoration Act of 1983.

Now that the Tribe has gained federal recognition they have attempted, with IHS support, to begin to provide limited health services to the community. The Tribal plan is to continue to expand direct care capability and bring true comprehensive health care services to the community.

This locality, including Grand Ronde, has been designated as a most seriously medically underserved by both the State and Federal agencies. This exemplifies a large void in care to not only Tribal members, but our non-Indian neighbors. Most recently, the National Health Service Corps has had to eliminate its one (1) Physician position for the nearby Community of Willamina. Although the Tribe has always planned to develop a full health center in our Community, this action by the National Health Service Corps has prompted an accelerated planning effort.

Concerned about our present and future health status, we have made a significant commitment to health care. A community health development planning process has been instituted, including not only a large number of Tribal members, but a substantial number of non-Indians who are also a part our community. Adequate health care is a major emphasis of this community coalition, which is spearheaded by the Tribe.

For the last 18 months, our community has spent a great deal of time exploring new ways to enhance the health of this area, and has determined the need for a new Health Clinic.

The Clinic will serve eligible Indian patients as well as other non-Indian community members. A substantial number of Grand Ronde

Tribal households have non-Indian family members. Under our plan total families will be served. Patients ineligible for the Indian Health Service Program will be billed on a fee for service basis. Most will have private insurance, Medicare or Medicaid as a third party resource.

With the re-authorization of the Indian Health Improvement Act (P.L. 102-573 of 1992), there is an opportunity for a grant under Section 303 to build a comprehensive ambulatory health care facility for the Grand Ronde community. The Grand Ronde community meets all the qualifications for such grants.

The Clinic we wish to construct will consist of 26,430 gross square feet (GSF) providing a full range of ambulatory care and community health services for Community residents. The costs for the design have already been committed by the Tribe, and construction costs are as follows: Construction Cost - \$ 4,434,500; Equipment Cost - \$ 608,300; Therefore, our total request to be included into the FY 1994 budget for the Indian Health Service is \$ 5,042,800 for an

If the Tribe is successful in obtaining its grant, a subsequent year recurring appropriation for the additional 17 staff (\$722,500) and Operation & Maintenance (\$ 212,000) will be requested.

This request is being made to improve the health status of the population and to reduce the reliance on Contract Health Services for basic outpatient services. The existing facilities are too small, too fragmented and not suitable for the delivery of quality health care. Furthermore, the current health delivery system does not have adequate staff to meet the growing service demands. A replacement facility with a full complement of staff is urgently needed.

A Program Justification Document (PJD) and a Program of Requirements Document (POR) were prepared in keeping with IHS standards to delineate the program necessary to meet the needs of the eligible population, to describe the methods for providing that program and to present the reasoning to justify the construction of a new health facility.

A primary justification is this Clinic will centralize all services provided by the Tribe. Currently, we have our Nurse-practitioner in a modular unit. A half mile away, we have our Community Health Representatives (CHR's) and our Drug and Alcohol counseling program in an old two story farm house. Two miles away, we have our Social Services program in an old building, formerly a railroad depot. In our Community Services Center, we have our Dentist. Given the fact that so many health related programs are spread out, we feel consolidating these programs under one roof will be beneficial for the programs, since many of these programs interact with each other.

Mr. Chairman, we realize our request seems rather high, but given our unique situation of a mix of Indian and non-Indian, and given the fact the Grand Ronde Community has a substantial number of people unemployed due to the timber crisis, we feel that such a facility will address the health needs of people whose health care is now substandard.

I am providing an executive summary of this project for your review and consideration. We have already completed a Program Justification Document and a Program of Requirements with the assistance of the Portland Area Indian Health Service. We are anxious to proceed and would appreciate any support you may provide to this project. Thank you very much for your time and attention.

STATEMENT OF RICHARD SWEETSER, EXECUTIVE DIRECTOR,
AMERICAN GAS COOLING CENTER

I am the Executive Director of the American Gas Cooling Center (AGCC), an organization comprised of over 70 utilities, manufacturers, the Air Conditioning and Refrigeration Institute (ARI), the American Gas Association (A.G.A.), and the Gas Research Institute (GRI). We were established in 1989 and funded by the natural gas industry and heating, ventilation and air conditioning (HVAC) equipment manufacturers to facilitate the commercialization of cooling and heat equipment. Therefore we are very interested in seeing continued and vigorous R&D into gas cooling and heat pump technologies and have convened an RD&D Task Group for this purpose. In participation with the A.G.A., RD&D Funding Initiative (an effort to significantly increase natural gas R&D funding over the year) the AGCC is supporting a \$20 million level of DOE funding for natural gas cooling RD&D in FY94. This level is also being endorsed by the Business Council for a Sustainable Energy Future and the energy efficiency community in its Sustainable Energy Budget.

While it is nice to see historical level of funding for gas research, (approximately \$6 million) restored each year by this Committee, the AGCC feels very strongly that the benefits available from natural gas cooling warrant a substantial government investment. The HVAC industry is undergoing fundamental structural changes right now. Ten years from today no new HVAC equipment will likely use the refrigerants used in 1990. Eliminating these refrigerants is no simple technical task since substitutes may show additional technical, environmental or health problems. Gas cooling and heat pump technologies offer the HVAC industry a more energy efficient and environmentally sound choice during this critical time. We are hopeful that the new Administration's commitment to natural gas and the elimination of harmful refrigerants will be reflected in the gas cooling budget request.

The full beneficial potential of gas cooling can only be realized if advanced technologies are developed and widely deployed. Should funding continue at the historical level, the U.S. will not be able to provide the HVAC industry with innovative solutions to ozone depletion and global warming. Neither will the industry be able to furnish the third world with a economically sound solution to its cooling needs. Some of our foreign competitors have already discovered this burgeoning market.

There is an urgency for immediate action. Unless R&D is stepped up considerably the United States is in danger of losing its international advantage. Following natural gas regulation and de-regulation in the 1970's, foreign countries, primarily the Japanese, became the predominant marketers of gas cooling equipment in this country. The Japanese understood that a mix of gas and electric cooling provides an economic advantage and have adopted American gas cooling technology and developed it further. In fact, much of the equipment that Japan is selling in the U.S. is based on U.S.-developed technology. We, as a country, cannot afford to lose our competitive advantage. This means that DOE must not abandon R&D activities just as technologies reach market viability, nor can we compete on a global scale without continuing government contribution, advanced research and commercialization efforts.

Numerous social benefits can accrue from active government participation in the natural gas cooling arena. Perhaps the most important is the creation of a new market for American technologies, which means additional American jobs in expanded R&D, manufacturing, marketing, maintenance, and utility services. Increased investment in "Green" technology is an integral part of the President's stimulus and investment package and his recently released document, "Technology for America's Economic Growth". President Clinton and his Administration clearly see the link between economics and environmentally friendly technologies.

Not only will new natural gas cooling technology contribute to a strong economy, but they will additionally save the consumer space heating and cooling dollars. Advanced research will further increase coefficients of performance, yielding even greater energy savings. A gas heat pump under development by the Department of Energy can provide space heating and efficiency improvement nearly 100% over the 1992 adopted National Appliance Energy Conservation Act levels. Gas cooling also allows for lower electric power demand, providing public utilities with an effective demand side management tool. Recognizing this, the National Association of Regulatory Utility Commissioners (NARUC), passed a Gas Cooling and Humidity Control resolution which recommends that gas cooling be used in both short and long term utility resource planning. NARUC recommends that its members continue supporting research, development, and demonstration of natural gas cooling equipment.

As already mentioned, advanced gas cooling technologies are also environmentally benign and reduce air pollution emissions. Gas cooling can be a part of the solution to ozone depletion and increase our compliance with the Montreal Protocol and the Clean Air Act Amendments of 1990. With the recent release of alarming information regarding the opening of a hole in the ozone layer over the eastern United States, this is not insignificant. At the same time, natural gas is an abundant national resource and use of efficient natural gas cooling equipment can reduce our dependence on imported energy supplies and improve our nation's energy security.

Despite the lack of sufficient government research funding, U.S. industry has expanded development of natural gas cooling equipment in the last 15 to 20 years. Today's equipment can supply both heating and cooling capacity and is much more efficient than earlier models. Sophisticated controls, added heat recovery, and new construction materials have boosted gas cooling's performance and competitiveness; however, the first generation products are making headway primarily in niche markets. Better technology now in the R&D stage will build on this limited success. For example, the Department of Energy has worked for a number of years to develop a very efficient residential absorption gas heat pump. There are technologies on the horizon that also need increased R&D attention. Advanced fluid research is one example, but lack of funding forced DOE to abandon its research on advanced fluids in 1993.

Although the utility and manufacturing industry is very excited about recent breakthroughs in gas cooling technology they will be wary if DOE all but abandons its efforts. Although today's gas cooling and heat pump technologies have much more promise than prior equipment, the HVAC industry remembers the 1970's when government action eliminated their ability to sell promising gas cooling equipment. Congress has demonstrated an interest in the benefits of gas cooling and heat pump technologies by restoring small levels of funding, but we continue to get mixed signals. It is time to send a wake up call to the HVAC industry that the government is solidly behind gas cooling and that now is the time to accelerate research, development, demonstration and deployment.

The gas industry along with the AGCC, wants to work more closely with the Department of Energy in developing and implementing new technologies necessary to increase the United States' competitiveness in the international arena. The AGCC funding request described in the publication "American Gas Association RD&D Initiative" indicates the potential for cost shared research. We see a role for increasing DOE funding focusing in the following areas: gas heat pump technology development, heat pump evaluations, high quality components, large commercial chillers, and desiccant cooling. The AGCC, and its members, would view increased funding as a show of public support, generating substantial utility and manufacturer funding for commercialization and marketing of energy efficient products.

We cannot afford to let the Department of Energy research, development and implementation efforts lapse. Natural gas cooling technologies, for all the benefits the new generation provides, are still relatively new. We need the Department's help -- both financially and technically and recommend \$20 million in natural gas cooling RD&D for gas heat pump development and evaluation, advanced large commercial chillers, desiccant cooling and advanced components development.

**STATEMENT OF DR. JAMES G. SPEIGHT, CHIEF EXECUTIVE
OFFICER, WESTERN RESEARCH INSTITUTE**

On behalf of the Western Research Institute (WRI), I request that the following statement be submitted as part of the record of proceedings for the Subcommittee's consideration of the Department of Energy's Fiscal Year 1994 fossil energy research and development budget request

WRI employs more than 100 people involved with energy and environmentally-related research and technology demonstration programs. WRI is located on the campus of the University of Wyoming in Laramie, Wyoming. I am writing to request that you and your colleagues provide \$5.5 million to support the WRI cooperative agreement. This cooperative agreement between the Department of Energy and WRI has served as a primary vehicle for the country to maintain a diversified energy research program and the capability to address national energy concerns while preserving the wealth of knowledge that has been accumulated over the past several decades.

As we prepare for what appears to be a fundamental shift in the way this country conducts basic and applied energy research, WRI wants to acknowledge the support we have received from you and your colleagues on the Subcommittee. Since the 1920's, WRI scientists have conducted research into fossil energy supplies seeking to enhance their energy value and protect the environment. Today, our research activities include: seeking new ways to prevent pollution, recovering energy from waste products, demonstrating energy-related technologies to remediate environmental hazards, demonstrating new combustion technologies and developing new processes and technologies to enhance the use of fossil fuels while minimizing the production of global warming gasses.

WRI's key mission continues to be conducting basic research into ways to provide cleaner and more efficient fossil energy fuels. In addition, WRI has also undertaken demonstration and validation of promising energy technologies that are protective of the environment and provide enhanced energy security.

For more than five years, WRI's budgets have been subjected to recessionary impacts and reductions in the federal commitment to energy research and development programs. Nonetheless, WRI has worked diligently to identify new opportunities and attract industry involvement in joint research. To some extent, WRI has succeeded in making up the difference through other competitive research opportunities. However, the cooperative agreement remains a vital component of our research program. This is the case because basic energy research that may be needed to reduce our reliance on foreign energy supplies will only be conducted with the support of the public sector. Quite simply, the private sector is unwilling to assume the substantial risk associated with basic research. We believe it is important to maintain the progress in developing alternatives to foreign energy supplies. Therefore, it is crucial to maintain the investment in fossil energy research at WRI by continuing to fund the cooperative agreement.

With this cooperative agreement funding, WRI has successfully implemented the Jointly Sponsored Research Program (JSR). This program allows WRI to solicit research, development and demonstration projects from industry on a cost-shared basis. This has the benefit of directing our research efforts to areas that enjoy industry support.

As we enter our fourth year of this program, I can report that it continues to be a success. We are engaged in a number of research projects with private groups to help move promising energy-related technologies to commercialization. As Congress looks for ways to improve prospects for technology transfer, WRI suggests that it look at the JSR program. From developing management plans to working with federal agencies to ensure timely review and approval of projects, the JSR program provides a blueprint for promoting technology transfer. The JSR program offers a proven mechanism to create a bridge from basic research to commercialization of technologies that will protect the environment and improve our competitive position. Therefore, WRI requests that you continue to provide a minimum of \$2.0 million in JSR funding along with authority for us to use up to the fully appropriated amount for JSR projects. This authority is critical. We suspect that as the economy continues to improve, more businesses will be willing to commit funds to support

technology development as part of the JSR program. I am enclosing the most recent summary of WRI's current and planned JSR projects to provide examples of the kinds of projects WRI's cooperative agreement supports.

Last year, Congress passed the Energy Policy Act of 1992. This law includes a number of research programs that aim to increase the use of domestic energy resources. This was a good start. Now, we need to fund these programs. At the same time, we have a new Administration with new priorities. The Administration's 1994 budget request cites the importance of meeting the goals of the 1992 Act. It demonstrates a commitment to these goals through a request for increased funding for energy efficiency programs, technologies that will burn fossil fuels more cleanly, and natural gas utilization.

We endorse this new focus as part of the equation to address our energy needs. However, we also believe that we cannot ignore the importance of our most abundant fossil energy source. We hope that as you review the budget priorities, you will acknowledge the importance of continuing meaningful federal support for coal-related research.

The budget request for the fossil energy research and development, which includes \$250 million for the clean coal technology program, represents an increase of more than \$200 million over the current year's budget. We are pleased to see that the Administration supports funding of Round IV and V of the Clean Coal Technology Program. As the budget request notes, this program enjoys significant industry support. The shifting attention to global warming will ensure a cooperative effort to address this problem, preserving our ability to safely utilize one of our most abundant and readily available energy resources.

However, we have concerns about the Administration's coal-related research budget request of \$141 million. This is a reduction of almost \$50 million from the present level. Coal is this country's most abundant energy source. For the foreseeable future, we will need to rely on this energy supply. This resource also offers the opportunity for this country to provide other nations with an energy supply, thereby improving our overall trade-balance. Perhaps most important, our coal supplies represent a strategic energy resource that cannot be held hostage to the vagaries of geopolitical activities.

The budget request for Petroleum and Gas Technologies establishes laudable goals of improving the recovery of oil and natural gas supplies. We support this increased emphasis on identifying economically justifiable ways to recover oil from wells that are either abandoned or in jeopardy of abandonment. WRI has developed a number of processes that will support this research priority. Federal funding will aid our efforts to enlist industrial participation in demonstrating promising recovery technologies. We also believe that it is important to continue improving our data base on oil reservoirs and fluid flows to ensure that future recovery efforts can be accomplished cost-effectively.

In conclusion, WRI is pleased that the Department of Energy's budget request recognizes the importance of maintaining research and development programs that are complemented by an emphasis on technology transfer. As we have all learned in recent years, the failure to invest adequately in promising technologies while maintaining a broad basic research program will effectively limit our options to respond to future energy needs while remaining economically competitive.

STATEMENT OF NANINE BILSKI, NATIONAL PROJECTS DIRECTOR, AMERICA THE BEAUTIFUL

The America the Beautiful Fund is a national non-profit (501)(c)(3) organization founded in 1965 to assist community level programs and projects to save the natural and man made beauty of America and improve the quality of life. Since then, ABF has developed and assisted over 50,000 citizen initiated volunteer projects in all 50 states through our "Rediscover America,"

"American Landscapes", and "Operation Green Plant" programs and has been named one of the Top Ten Volunteer Organizations in America by Good Housekeeping.

This is the story of the Hurricane Andrew Survivors who asked us to come and see their destroyed houses and schools and parks and help them to put them back together. They said that they were afraid the world had forgotten about them, and America the Beautiful Fund was the only group that was still offering to help them. We just got back and I wish you could have been there to see and hear and feel what we did. I want to share with you a few of the stories of what America the Beautiful Fund means to those struggling victims.

We had over 100 volunteer ABF leaders in South Miami and Louisiana before the disaster struck, so as soon as the phone lines were operating we told them to count on help from America the Beautiful Fund. As you know, tens of thousands of Americans (including the Army and Navy) helped in the first weeks after the storm with food, shelter, medical services and clean-up of public schools. ABF's local leaders called us after Christmas and told us it was now ABF's time to help. They arranged three day field trips through the devastated areas of Homestead and Florida City, Florida and New Iberia and Lafayette, Louisiana. This is what we saw:

- At the Fairchild Tropical Gardens, they showed us how the roof of the plant house had collapsed on their rare plant collection, how irreplaceable trees had been destroyed, and how 500 volunteers were needed to clean up and replant the damaged areas. They need ABF's help on a new outreach program for volunteer training to restore the gardens, starting community nurseries to replace ruined plant stock along the streets and throughout the Miami Parks, and new programs for neighborhood volunteers to restore the lost landscapes of Coral Gables and Miami.

- The "Phoenix" project in School District 6 of South Miami (which arose in the wake of the Hurricane) is rebuilding 20 schools as unique community support centers for children and parents. ABF has been asked to help with this massive rebuilding and we have started by sending a grant of \$25,000 worth of seeds for planting vegetables for food and flowers for restoring beauty. We need to follow up with site design solutions, emergency grants and loans for materials, and the development of new environmental and historic preservation programs.

- In Four Corners and Sorrel, Louisiana, we saw whole neighborhoods destroyed, and poor families rebuilding with the old cypress boards they had salvaged from the wreckage of their houses. They need ABF's help with environmental design and landscape restoration to create a "new town" where the old one has been destroyed.

- We have been asked by the Environmental Planner for Iberia Parish Government to provide environmental planning and programs for recycling, composting, and landscaping throughout the Parish to restore the hurricane damage and create volunteer leadership in sound environmental planning.

- We have been asked by the State of Louisiana Department of Health and Hospitals, region IV, to provide help in designing greenhouses and gardens for handicapped citizens to replace the ones that were lost in the hurricane.

- We have been asked by the Isle Piquant Sugar Foundation in Lydia, Louisiana for a seed grant to start a Living History Museum of the rural life on early Louisiana Sugar plantations and the narrow gage steam locomotives used on them.

• The City of New Iberia has asked us to help restore the historic and natural beauty of the city's live oak trees, pecan trees, and semi tropical foliage destroyed by Hurricane Andrew. They need our assistance to re-establish some of these gardens and also start a community garden program for those families in need. We were invited to hold a training workshop for the New Iberia Beautification Committee, the local Garden Club, the Isle Piquant Sugar Foundation, the Sheriff's Department and the schools of New Iberia while we were there. These group have started an America the Beautiful Committee for the Gulf Coast and will need continued help to mobilize a corps of local volunteers to restore the lost landscapes and landmarks of this area, especially after the tornados that hit Grand Isle last week.

America the Beautiful Fund is able to assist these people with environmental design solutions, advisory services, and small emergency grants and loans for supplies and materials for local rebuilding projects. But in order to do this we will have to raise a special Hurricane Disaster Relief Fund of \$250,000!

America the Beautiful Fund works on a small operating budget that comes entirely from private donations. With a 4% administrative and fundraising cost we produce a \$2,000,000 program each year that involves 5,000,000 Americans in restoring and improving their local environments. But we cannot do it any longer without public support. Our programs are supplementing the activities of the Park Service, the Forest Service, the Fish and Wildlife Service, the Bureau of Indian Affairs, the Department of Health and Human Services, the National Endowments for the Arts and Humanities and the Institute for Museum Services by developing the volunteer projects that mobilize the grassroots resources needed to save the natural and man made beauty of America.

Every dollar contributed to America the Beautiful Fund is multiplied 100 times by the private sector at the local level. \$250,000 can therefore provide the leverage for a \$2,500,000 program of self-help for the people who have already shown so much courage and determination in the face of the worst natural disaster in our history.

STATEMENT OF THE NATIONAL ASSOCIATION OF STATE FORESTERS

The National Association of State Foresters (NASF) represents the directors of the fifty State and three territorial forestry agencies (Guam, Puerto Rico, Virgin Islands). In that capacity, we are responsible for providing services and protection to more than 75 percent of the Nation's forests.

Founded in 1920, NASF's mission is two-fold: NASF promotes cooperation on forestry matters between the states, territories, Federal government and forestry interests; in addition, NASF develops and promotes legislation, programs, and activities which will advance forest stewardship management and the use and conservation of all forest resources.

The National Association of State Foresters appreciates the recognition and support that Congress has shown for the USDA Forest Service State and Private Forestry Programs over the past year. In light of the attention Congress and the Administration are currently giving to a more efficient and streamlined federal government -- especially in terms of reorganization of the U.S. Department of Agriculture -- we would like to suggest that the Forest Service's State and Private Forestry programs and their delivery system represent an outstanding model of efficient and effective government at work -- federal and state -- that meet national goals and individual public needs.

NASF is pleased to support the tree-planting initiative proposed in President Clinton's "Vision of Change for America", released with his State of the Union Message to Congress. There he proposes \$246 million over the next four years for both rural and urban reforestation and tree improvement activities. The first year of this initiative is embodied in the President's Fiscal Year 1994 budget request, where he request an increase of \$25 million for State and Private Forestry. NASF believes the President's initiative can be effectively delivered through existing State and Private Forestry programs -- namely the Forest Stewardship, Stewardship Incentives and Urban and Community Forestry programs. The President has followed this approach in developing his Fiscal Year 1994 Budget Request.

NASF would like to comment on the Fiscal Year 1994 budget for State and Private Forestry Programs. Our recommendations are developed each year by our standing committees and approved by our Executive Committee. Priorities of NASF continue to be the Forest Stewardship, Stewardship Incentives and Urban Community Forestry programs, rural fire protection, national expansion of the Forest Health Monitoring Program and funding to allow the establishment of a Presidential Commission on State and Private Forests.

Forest Health Management: Last year, Congress established a \$26 million Emergency Pest Suppression Fund as part of the fiscal 1993 appropriations for the Forest Service. In doing so, Congress did not fully fund the cooperative and federal suppression/prevention programs to meet anticipated needs, but instead, provided that funds within the new Emergency Fund be available upon the President's designation of such money as emergency requirements under the Balanced Budget and Emergency Deficit Control Act of 1985. NASF has consistently supported the concept of emergency pest suppression funds being available for unanticipated needs. However, experience is just now proving the difficulties in the current mechanism. Several States are faced with serious threats that warrant the immediate release of funds from the Emergency Account; however, a number of delays and obstacles have prevented this from occurring. Although NASF supports the continuation of the Emergency Pest Suppression Fund, we strongly urge the committee to meet anticipated needs by adequately funding the existing suppression/prevention accounts for both cooperative and federal forest lands.

Forest Health Monitoring: NASF recommends the Committee provide \$2.5 million in funding to support the current Forest Health Monitoring Program in 14 states and its expansion to five additional states (MI, MN, WA, WI, WV). Through this program, information is collected, analyzed and reported on the health of our nation's forests. In addition, the FHM program will serve as an early warning system for new problems such as ozone depletion, air pollution and climatic change. The long-term goal of the program is to include every state as an active participant.

Integrated Pest Management: NASF supports fully establishing an Integrated Pest Management Program that will develop and transfer the best available technology for the integrated management and control of major forest pests for the protection of the nation's forest resources.

Cooperative Fire Protection Program: NASF recommends funding the Cooperative Fire Protection Program at a continuing level of \$18 million. In addition, NASF urges the committee to support \$5.0 million in funding for the Fire Mobilization and Preparedness Program. This has been a priority of NASF's; funding will strengthen local fire protection efforts and allow adequate responses to be made to new and challenging problems of protecting lives and property in wildland/urban interface areas. State agency personnel and local volunteers will be trained to meet minimum national standards and reduce costly suppression activities through improved initial attacks.

Resource Management

Forest Stewardship: To assist non-industrial private forest landowners in managing their lands for multiple resources, strong efforts continue on the part of State Forestry agencies and the private sector to prepare written comprehensive management plans according to landowner objectives. More than 40,000 Stewardship management plans, covering approximately 4.9 million acres, have been developed to date. Federal Stewardship dollars, which are matched by the states, have been shared with many cooperators and partners to meet landowner objectives and accomplish multiple resource management practices. NASF urges the committee to increase funding for this program to \$18 million in Fiscal Year 1994, and consider additions to Forest Stewardship to help accomplish President Clinton's Tree Planting Initiative.

Stewardship Incentives: Sign-up for the Stewardship Incentives Program (SIP) have been underway for almost one year. SIP practices that are cost-shared with non-industrial private landowners include tree planting, timber stand improvement, fish and wildlife habitat establishment and management, soil and water conservation and improvement of recreational opportunities. NASF recommends increasing funding for this program to \$25 million in Fiscal Year 1994. Additional Tree Planting Initiative funding in SIP would provide direct assistance to landowners to plant more trees.

Urban and Community Forestry: NASF strongly supports full funding of for this program at \$30 million. This program has proven effective in involving community groups in the planting and maintenance of their community trees. Long-term viability and management of these trees is being ensured. Urban forest councils and state coordinators positions have been established in every state; a majority of the states have established volunteer coordinator positions to involve more citizens in tree planting projects. Trees in our cities are a valuable natural resource improving the quality of life for our people. The President's "Vision for Change for America" is directly served by the Urban Forestry Program.

Forest Soil and Water Quality: Reauthorization of the Clean Water Act has focused much attention on the impact of non-point source pollution on the quality of the nation's water resources. The Cooperative Forestry Assistance Act (P.L. 95-313) authorizes the Forest Service to provide financial and technical assistance to the states for soil and water management activities. NASF has identified a need for expanded efforts that promote the use and effectiveness of Best Management Practices (BMPs) through technical assistance, education and better information to landowners, loggers and the general public. NASF urges the Committee to fund this program at \$4.0 million to make these efforts possible.

Natural Resource Conservation Education: NASF and the Forest Service have jointly developed the Natural Resources Conservation Education Program to raise public awareness and understanding about the complexities of natural resource issues and to foster individual responsibility for wise use and conservation of natural resources. NASF recommends funding this program at \$2.5 million in Fiscal Year 1994.

Rural Development Through Forestry: NASF supports the revitalization of rural areas and small communities through forestry programs that assist in economic stabilization and diversification. Renewable forest resources provide a wide range of commodity and non-commodity goods and services, income and jobs and, consequently, provide a significant opportunity to strengthen local and regional economies. NASF recommends funding this program at \$6.0 million.

Forest Products, Conservation & Recycling (Wood Utilization): The Wood Utilization and Marketing Program has been the subject of a focusing effort begun in 1991 in which a broad range of partners and user groups participated. NASF supports the direction and emphasis of the refocused program which will include forest products conservation, recycling and economic development activities. NASF recommends funding for this program at \$1.5 million in Fiscal Year 1994.

Center for Semi-Arid Agroforestry: NASF supports the continued expansion of the Center for Semi-arid Agroforestry in Lincoln, Nebraska which supports research and information transfer on incorporating trees and shrubs into sustainable production systems in semi-arid climates. NASF recommends \$500,000 to ensure the application of this research through technology transfer to professional and state forestry demonstration projects.

SPECIAL PROJECTS

Commission on State and Private Forests: NASF and other organizations from the forestry community continue to endorse the establishment of a Presidential Commission on State and Private Forests. The Commission's mission would be to assess the potential economic and social contributions from non-federal forest lands and to recommend the most effective federal role and organization to help realize these potential contributions. Re-assessment of the federal role is especially important given the impending changes in how federal forests lands will be managed in the future and the resulting impact on timber supply availability and access to federal forest lands for other non-commodity resources. NASF recommends funding at \$3.4 million for the Commission's establishment and operation.

Forest Legacy: The Forest Legacy Program meets specific regional and state needs that have arisen in recent years as a result of changing land use patterns and populations pressures. NASF recommends funding this program at a continuing level of \$10 million.

Tropical Forestry: NASF recommends the transfer of this program to the new Forest Service International Forestry Deputy area and urges the Committee to direct that a certain portion of appropriated funds be used for demonstration, education and training activities within tropical forests of the United States.

Pinchot Institute for Conservation Studies: The Institute serves as a center for the discussion of natural resource issues of national and regional importance and a forum for their resolution. NASF recommends funding this program at \$200,000 in Fiscal Year 1994.

STATEMENT OF MELVIN SABSHIN, M.D., MEDICAL DIRECTOR, AMERICAN PSYCHIATRIC ASSOCIATION

Mr. Chairman and Members of the Subcommittee, I am Melvin Sabshin M.D., Medical Director of the American Psychiatric Association (APA), a medical specialty society representing more than 38,000 psychiatrists nationwide. We appreciate the opportunity to submit written testimony to present our recommendations regarding the FY 1994 Appropriations for the Department of Health and Human Services, specifically for the Indian Health Service (IHS).

Mr. Chairman, as you know, year after year the APA has testified in support of increased appropriations for the IHS. Last year your leadership and our efforts resulted in a \$152 million increase in FY 1993 over the FY 1992 Appropriation for Indian health care. We appreciate your commitment and that of the Subcommittee to provide direct health care services to this country's Native Americans. Yet once again we find ourselves testifying as to the need to direct attention and focus public policy on the need for increased access to adequate mental health care and mental health research for Native American communities.

The APA is very encouraged that the Congress recognizes the severity of the problems among Native Americans demonstrated by enactment of the Indian Health Amendments Act (P.L. 102-573) of 1992 last year. As you know, this important legislation reauthorized many of the programs in the IHS through the year 2000. The bill also establishes innovative programs to address the problems of mental illness, fetal alcohol syndrome, and substance abuse prevention and treatment among Native Americans. The APA urges the Committee not only to appropriate FY 1994 monies to get these innovative programs up and running, but to increase the funding for existing programs, such as the child abuse prevention initiative and child sexual abuse treatment program, to reduce unmet needs for child abuse services. In addition, the APA supports the Congress' continued direction to the National Institute of Mental Health (NIMH) to allocate funds for behavioral research on rural and Native American mental health issues. We are especially encouraged by NIMH's recent research announcement for American Indian, Alaska Native, and Native Hawaiian mental health research.

Of particular concern to the APA are Native American mental health, and alcohol and drug abuse-related problems. For instance, suicide, depression, alcoholism, child abuse, and domestic violence are some of the most serious problems among Native Americans. They are truly nations at risk. We must do all we can to provide a continuum of care, free of fragmentation and discrimination. Your support of increased resources is critical in the ongoing effort to provide quality mental health care. These populations deserve the same quality and level of care as is available to the rest of the nation.

Studies indicate that depression is the most prevalent mental health problem existing among the Native American population. Suicide is the second leading cause of death for American Indian/Alaskan Native adolescents. The suicide rates for all Native Americans is twice that of other races. Among adults, mortality associated with alcoholism is nearly four times that of other races. Substance abuse is also held to be responsible for much of the domestic violence, including child abuse, elder abuse, assault, and rape, which exist in this population. The APA genuinely appreciates the Subcommittee's efforts that resulted in an increase of \$1.4 million in FY 1993 over the FY 1992 Appropriation for the IHS mental health program. Nevertheless, we have learned from the IHS that in real terms the FY 1993 Appropriation was a functional decrease in funding, due to mandatory increases such as inflation and population increases. The APA is concerned that it will be impossible to move the mental health program forward to address the unmet needs of this population without adequate funding levels.

Mr. Chairman, as you are well aware, the need for effective utilization of current programs is greatly hampered by inadequate staffing levels. While approximately 312 clinical staff provide care to more than 130 service units, the IHS indicates, using NIMH epidemiological data, a need for approximately 792 providers of outpatient mental health care to serve current unmet need at minimal acceptable levels. The crisis-oriented approach to delivery of services has resulted in staff burn-out and turnover rates of epidemic proportions. The importance of providing fully-staffed, well-trained service units at IHS facilities across the country cannot be overemphasized.

The APA recommends that the Subcommittee allocate additional FY 1994 Appropriations to retain and recruit medical personnel through loan repayment and scholarship programs. The need for training, recruitment and retention of high level professionals, including psychiatrists, is critical to the health status of the Native American population.

In most Native American communities there is a general health care program, a mental health program, a substance abuse program, and a social services program. These programs often have separate budgets, administrations, staffs, services, and ideologies. The fragmentation of care provided to Native Americans must be corrected.

Scientific advances have served to clarify and highlight the relationship between physical and mental health, but also stress the danger inherent in the misdiagnosis of mental and physical illness. Native Americans and Alaskan Natives suffer a high incidence in co-

morbidity and physical causes of mental disorders. For no other population is the need to coordinate services more obvious or essential. Coordinating mental health, substance abuse, health programs, and social services will make the system more efficient and cost effective and will ensure that patients are receiving quality and holistic care.

Relevant to this issue, the APA continues to be concerned about recurring allegations that the IHS is allowing non-physician mental health providers to prescribe potentially dangerous medications. Although we have been assured by the IHS that this is not occurring, we recognize that efforts may be made to persuade you to initiate a demonstration program designed to train clinical psychologists to prescribe specified psychotropic medications. We believe that this would be a medically inappropriate substitution of care by psychologists, and puts patients at unnecessary risk. Today's new breed of psychoactive medications are highly complex and potentially toxic. Knowing when to prescribe such medications, which medications to use, appropriate dosage levels, and understanding the interactions between these and other medications and indeed the patient's entire medical condition, are critical to providing safe and appropriate care.

Psychiatry and psychology are not the same, and understanding this, no state permits or licenses psychologists to prescribe any medication, let alone potent psychotropic medication. We strongly oppose any plan to permit inappropriately trained psychologists to "practice medicine" at the risk of unknowing vulnerable Native Americans.

Last year the APA in conjunction with the IHS, conducted a site visit to the Crow, Northern Cheyenne, and Ft. Peck Reservations in Montana to study the psychiatric problems on reservations. The APA heard first-hand from the Tribal Leaders and members about the complex problems and pain and suffering of the Native American people. While most of the solutions that we identified focus on the need for treatment, emphasis also must be given to primary prevention. Child abuse prevention, mental health care, fetal alcohol syndrome and better maternal and child health programs are desperately needed. In addition, the need for crisis services in the local health care systems, adolescent group home facilities, day care programs or group homes for the chronically mentally ill, and increased psychiatric consultation were also identified.

Mr. Chairman, the Native American people need your leadership to appropriate the necessary funds to ensure adequate delivery of health care, particularly for those who suffer from mental illness and substance abuse. IHS staff has done an outstanding job of doing its best with limited resources, but without ample staffing and funding for mental health programs, there can never be adequate psychiatric care for Native Americans with emotional and substance abuse problems. We are ready to work with you to provide the best health care available to the Native American community. Thank you.

STATEMENT OF THE ELECTRIC TRANSPORTATION COALITION

This statement is presented on behalf of the Electric Transportation Coalition, a non-profit organization of electric utilities, automobile manufacturers and other entities that have joined together to advocate the greater use of electricity as a transportation fuel. As one of its major objectives, the Coalition seeks to promote and facilitate the commercialization and widespread introduction of electric vehicles (EVs), and supporting infrastructure, in the U.S.

The use of electricity in the transportation sector offers the nation the benefits of reduced emissions of airborne pollutants, particularly in urban areas, and decreased use of petroleum based fuels, thereby contributing to our national energy security. In addition, the development of electric modes of transportation presents a significant opportunity to assert

technological leadership for the United States in a new commercial sector.

The Coalition supported the increase in funding for programs in the electric and hybrid vehicle propulsion systems program provided in last year's appropriations measure. As discussed in greater detail below, the Coalition urges continued funding for:

- the U.S. Advanced Battery Consortium;
- the U.S. Hybrid Propulsion Systems Development Program; and,
- the Site Operator Users Task Force program.

In addition, to ensure the early and successful introduction of electric vehicles into the marketplace, the Coalition urges the Subcommittee to support appropriations for full funding of the electric vehicle programs authorized in the Energy Policy Act of 1992 (the Act). Of particular significance, the Act supports:

- the demonstration of electric vehicles; and,
- the creation of the infrastructure necessary to support electric vehicles.

Through funding for these key programs in fiscal year (FY) 1994, the federal government can confirm the role of electric transportation modes as an important part of the nation's new energy policy. As the Subcommittee considers the budget request from the President, we would suggest that funding for the following areas is most critical.

Continued Funding for the United States Advanced Battery Consortium

Adequate funding should be provided in FY'94 for the U.S. Advanced Battery Consortium (USABC), as has been requested by the Clinton Administration, to continue the cooperative federal government/private sector efforts to develop technologies that are valuable to our energy, environmental and international competitiveness interests. We believe the efforts of the USABC are imperative to assure the commercial availability of advanced batteries that are necessary to deliver an EV with range and performance characteristics comparable to a gasoline-powered vehicle. The advanced battery is critical to the future of the electric vehicle. Importantly, this consortium also will provide the necessary focus on government/industry partnering for continued research and development of more long-term battery technologies.

Funding for Creation of Infrastructure Necessary for the Operation of Electric Vehicles

Another critical issue that will significantly affect the prospects for the commercialization of EVs is the development and availability of an EV infrastructure. The term "infrastructure," when used in connection with EVs, is broadly defined. EV infrastructure includes, for example: techniques and equipment used to recharge the EV; servicing and maintenance training for mechanics; and development of safety protocols for fire and rescue personnel. To achieve successful EV commercialization, the vehicle and its maintenance/use must be "transparent" to the average driver or fleet operator. Electric vehicle technology differs radically from today's gasoline-powered vehicles. Infrastructure development to support the initial operation, maintenance and servicing of EVs must be undertaken concurrent with the development of the vehicles themselves to insure that the commercial introduction of electric vehicles will be "smoothed" through the availability of adequate, safe and convenient support systems.

Through the Energy Policy Act, Congress responded to the need to cooperate with the private sector in the creation of the infrastructure systems to support EVs. The Act authorizes a program to provide for cost-shared research, development, demonstration or commercial applications of EV infrastructure and support systems programs. The statutory program criteria include: servicing of EVs; installation of charging facilities; rates and cost recovery for electric utilities investing in infrastructure; development of health and safety procedures related to batteries; and information dissemination programs.

The Administration's budget request includes only \$3.736 million in FY'94 funding to initiate this program. The Coalition urges the Subcommittee to consider providing funding to this program at a significantly higher level than has been requested. The Energy Policy Act authorizes \$40 million, over 5 years, for these demonstration activities; provision of less than \$4 million is insufficient to assure the successful and aggressive implementation of this important program.

Continued Funding and Implementation of the Electric Hybrid Vehicle Propulsion Systems Development Program

Last year's appropriations bill included funds to initiate a hybrid electric vehicle development program. Proposals for participation in the hybrid development program have recently been submitted and the Coalition is looking forward to receiving information on the status of the selection process.

The Coalition recognizes the need for cooperative research and development activities by the federal government and the private sector to advance hybrid electric vehicles.

Increased Funding for the Site Operators User Task Force

A successful mechanism over the years for the testing and evaluation of developments in connection with electric vehicles and supporting infrastructure has been the Site Operators User Task Force (SOUTF). The SOUTF program relies on a substantial contribution by the private sector program participants to generate technical data and operating experience with EVs.

This well-established effort should remain an important component of the overall Department of Energy electric and hybrid vehicle program. The program is enthusiastically supported by a variety of industry and public sector participants. The Subcommittee is encouraged to augment funding to this program by \$3.8 million, above the level requested by the Administration (\$1.2 million). Additional funding would ensure the continuation of this cost-effective mechanism for testing newly-developed vehicle and infrastructure technologies; and, importantly, would ensure that progress and momentum in EV development are maintained while the larger and more comprehensive EV programs are being funded and implemented.

Before the environmental, energy security and potential economic development benefits of electric vehicles can be fully realized throughout the United States, there must be production and demonstration of road-worthy EVs; consumer acceptance of EVs, as demonstrated by a willingness to voluntarily purchase the vehicles; and creation of the infrastructure necessary to support EV usage. Continued funding of on-going EV programs and funding of the new programs included in the Energy Policy Act can significantly advance the development of EVs capable of meeting consumer demands, and can begin to systematically address the many needs in the development of supporting infrastructure.

The Coalition looks forward to contributing to the dialogue about how best to design and fund effective Federal EV incentive programs in the days ahead.

STATEMENT OF THE AMERICAN ASSOCIATION OF RETIRED PERSONS

AARP appreciates this opportunity to comment before the Senate Interior Appropriations Subcommittee on the Fiscal Year 1994 appropriation for the Weatherization Assistance Program (WAP). The Association strongly supports the total increase proposed by the President next year for this important activity.

Energy costs are a burden for all low income families, often forcing difficult choices among basic necessities. This is especially true in elderly households, given their vulnerability to weather-related illnesses such as hypothermia and heat stroke. Data from the Department of Energy's 1990 Residential Energy Consumption Survey indicate that low income households spend approximately 12 percent of their income on home energy, almost four times the percentage paid by the typical American household. The latest Consumer Expenditure Survey (1991) by the Department of Labor shows that households headed by a retiree spent one-third more for home energy than younger, salaried workers. Because older households are more likely to have low or moderate incomes than younger households, energy costs can be particularly onerous.

The latest Department of Energy Housing Characteristics Survey (1990) indicates that 37 percent of the homes occupied by older households were built prior to 1950 compared to only 27 percent of those occupied by younger families. These homes are typically less well insulated, more expensive to heat and in need of repair. Research by AARP's Public Policy Institute shows that older households, especially minority elder households, occupy the highest percentage of substandard housing among homeowners. For example, 43.5 percent of houses occupied by low income African-American elderly lacked central heating. Our study also showed that 59 percent of low income older owners were unable to devote any funds to routine maintenance or improvements such as weatherization.

Weatherization Assistance has made a crucial difference for many of these older households. Just under one-third of the dwellings weatherized under the program are occupied by older persons. A June 1986 study by the National Association for State Community Service Programs (NASCP) indicated that weatherization efforts have reduced home energy expenditures by about 13 percent for households receiving the service. When combined with Low Income Home Energy Assistance benefits, the home energy cost burden is reduced further.

The accumulated experience and capability of the WAP program now make possible even higher energy savings. DOE data indicate that for a significant number of eligible households, average annual savings of 25 percent or more are achievable. The Alliance to Save Energy has estimated that a 25 percent improvement in home energy efficiency would reduce overall housing costs by eight percent for low income families, saving them some seven billion dollars annually. In addition, over one million low income families who are now spending excessive amounts of their incomes on housing would have their costs reduced below the 30 percent of income standard used as the federal guideline for appropriate housing costs.

Emphasis in the WAP program with respect to methods used has evolved from emergency and temporary measures (such as caulking and weatherstripping) to inclusion of those conservation remedies that on average produce the highest savings (e.g., combined attic and sidewall insulation). Personnel in the field are now much more experienced in determining which conservation techniques,

under what circumstances, are most cost effective and save the most energy. These advantages, built up so painstakingly over the last few years, should show real energy saving dividends if program funds are increased next year.

A particularly promising area for improvement in energy efficiency is in manufactured housing. Manufactured homes, more commonly referred to as mobile homes, typically use twice as much energy for heating and cooling as site-built houses. They are a major source of housing for low-income and elderly households.

The Department of Housing and Urban Development recently proposed improved energy efficiency standards for new manufactured homes. Currently, some 15 percent of all weatherization work focuses on manufactured housing that is already occupied. Recent reports by the National Center for Appropriate Technology (NCAT) indicate that new weatherization techniques for manufactured housing can reduce energy bills by 40 to 60 percent. These techniques are now being made available by NCAT to weatherization agencies across the nation. The combination of improved weatherization techniques and tougher energy efficiency standards for new manufactured homes promises major improvements in energy efficiency for this form of housing.

AARP believes that current weatherization efforts should be expanded next year, if possible, both to assist low income families and to improve the overall energy efficiency of the nation's housing stock. DOE's supporting analysis for the 1990 National Energy Strategy indicates that long-term residential energy consumption could be reduced by 23 percent through a gradual introduction of the best available conservation technology. The analysis also notes that to make a major contribution in the short-term, conservation measures must focus on retrofitting existing buildings. In addition, the National Energy Policy Act of 1992 gives great emphasis to improving building efficiency. With a capability to weatherize approximately 250,000 dwellings a year, continuation of the WAP is essential to meeting national energy goals.

Thank you again for this opportunity to comment on the President's budget request for the Weatherization Assistance Program.

STATEMENT OF JENNIFER MELVILLE, DIRECTOR OF CONSERVATION, APPALACHIAN MOUNTAIN CLUB

Mr. Chairman, on behalf of the 55,000 members of the Appalachian Mountain Club (AMC), thank you for this opportunity to provide testimony to the Subcommittee. My testimony focuses primarily on the need for a federal role in the effort to protect the Great Northern Forest of northern New England and New York.

The Great Northern Forest

The Great Northern Forest sustains the life and livelihood of the northeast. This vast forestland that stretches across northern Maine, New Hampshire, Vermont and New York is a place of outstanding natural beauty, the home of nearly one million people, an intricate and dynamic ecosystem and a critical source of timber, clean air, clean water and backcountry recreation for the nation.

Yet the Great Northern Forest faces tremendous forces of change. Changing dynamics in the forest products industry, increases in land speculation and subdivision, and an increase in the use of intensified harvesting practices have the potential to fundamentally alter the character of the Northern Forest.

Today, hundreds of thousands of acres of the Northern Forest are on the market and threatened with conversion to non-forest

uses. Among these lands are areas of great value to the public - ecologically, economically and spiritually. To conserve critical tracts in the Northern Forest, we request that Congress appropriate funds in FY 1994 to acquire lands and easements in the Northern Forest. We urge the Subcommittee to provide funds for the acquisition of the following specific tracts of land that are now for sale.

Katahdin Iron Works, Maine - \$8 - \$8.5 million

The magnificent Katahdin Iron Works area encompasses remote ponds and mountain peaks and undeveloped river and stream shores. Of the entire 70,000 acres, 32,000 acres are now on the market, presenting an immediate opportunity to protect a landscape of great recreational and ecological value. Among the values at risk are views from the Appalachian National Scenic Trail.

Big Jay, Vermont - \$800,000

The 5,400-acre Big Jay property is a spectacular tract of undeveloped mountainous forest lands adjacent to state conservation land. Public ownership of this tract will conserve a magnificent recreational and wildlife corridor along the northern crest of Vermont's Green Mountains. Both Vermont's famous Long Trail and the Catamount Trail traverse the property.

Follensby Pond, New York - \$5.5 million

The pristine 1000-acre Follensby Pond is among the largest undeveloped privately owned lakes in the Adirondacks. The present owner of the unequaled 14,600 acre tract that includes Follensby Pond, wishes to place his land in public ownership for future generations. This property, with its bald eagles and giant spruce and white pine, lies at the core of New York's Adirondack Park.

Forest Legacy Program - \$25 million

The Forest Legacy Program can help ensure the stability of the Great Northern Forest's essential values - recreational access, wildlife habitat and forest products - on private forest land. To make a significant contribution to the conservation of the Northern Forest, we request that Congress provide the Forest Legacy Program with \$25 million.

Primarily through conservation easements, this US Forest Service program helps willing sellers protect their forest's long term economic and ecological benefits. Landowners throughout the Northern Forest have shown an interest in the program that far exceeds the current funds. Their holdings include large, contiguous tracts of productive timber lands, endangered species habitat, vital river corridors and pristine mountain lakes that are threatened with conversion to non-forest uses.

Northern Forest Lands Council - \$1.27 million

The AMC seeks continued funding for the Northern Forest Lands Council in its final year of work. Established by Congress three years ago, the Council provides a crucial public forum for all those interested in the future of the Northern Forest. Additionally, the Council, in cooperation with the Northern Forest states, has undertaken an important research agenda to inform its recommendations. We urge you to support continued appropriations for the Council.

The White Mountain National Forest

The White Mountain National Forest (WMNF) is the keystone of the federal land management program in the Northern Forest. With over 6 million visitors per year, the WMNF is an essential natural, recreational and economic resource for all of the Northeast. We seek a commitment from Congress and the US Forest Service to fully implement the Forest Plan for the WMNF. Currently, appropriations for recreation infrastructure - trails, campgrounds, environmental education - and for wilderness

management are inadequate, especially in relation to timber. The extraordinarily heavy recreational use of the Forest is leading to deteriorating trails and public facilities. We request that Congress increase funding for such programs nationwide and work to ensure that the White Mountain Forest Plan is fully funded.

Rivers and Trails Conservation Assistance Program - \$12 million

The National Park Service's River and Trail Conservation Assistance Program (RTCAP) has been successfully involved in locally motivating conservation efforts throughout the country, and particularly in the northeastern United States. The AMC has found RTCAP to be extremely effective in working cooperatively with us and others in Maine, New Hampshire, Vermont, New York, Connecticut and Massachusetts.

Each year, this vital and cost-efficient program receives significantly more interest from communities and local conservation groups than its funding allows it to serve. This year the program has already received approximately 350 project requests for 1994. At current funding levels the program could serve fewer than half of the communities and organizations requesting assistance. To further the critical conservation work of this program we request that Congress provide \$12 million for RTCAP nationwide.

The Appalachian National Scenic Trail - \$10 million

Volunteers and staff of the AMC protect 350 miles of the Appalachian National Scenic Trail in Maine, New Hampshire, Massachusetts, Connecticut and Pennsylvania. We request that Congress continue to fund this outstanding cooperative program with an FY 1994 appropriation of \$10 million - of which \$7 million is for the National Park Service Appalachian Trail program and \$3 million for the U.S. Forest Service Appalachian Trail program. With this appropriation, 6,580 acres along the trail will be permanently protected for the public.

In conclusion, we urge the subcommittee to fund these programs that are so important to the people of the Northeast and to the people of the nation. Conservation of the Northern Forest - a region of national importance - is a critical rising need. Working together to find the best possible solution for the land and the people of the region, state and federal partnerships will likely best ensure permanent conservation of critical areas in the Northern Forest. The AMC requests federal assistance through the programs described above to help with protection of the ecological, recreational and economic values of the Northern Forest. Thank you.

STATEMENT OF NORMAN J. TARBELL, HEAD CHIEF TRIBAL COUNCIL, ST. REGIS MOHAWK TRIBE

The Saint Regis Mohawk Tribe consists of approximately 6,000 enrolled members, most of whom live on just over 14,600 acres of reservation land located along the Saint Lawrence River in northernmost New York State. In a continuing move toward self-determination and independence, the Tribe is currently developing a Mohawk Law Enforcement Program.

History: In the late 1980s, internal discord and a political power struggle resulted in numerous incidents of violence and civil unrest on the Mohawk reservation. Due to the lack of an adequate law enforcement presence, this strife escalated to the point of armed confrontations in the streets and ultimately the deaths of two Mohawk men. This turmoil was the final reinforcement of the Tribal Council's longstanding belief in the need for an indigenous

law enforcement agency. Thus, an effort was initiated to establish such an police agency. That effort resulted in the awarding of a three-year PL-638 contract for the period 1990-92. The contract provided funding for the development of a combined law enforcement/tribal courts program. Approximately \$750,000 was provided for the combined program over the life of the three-year contract. During

this period a community-based law enforcement task force was formed and a law enforcement coordinator was hired to study the issue and make recommendations to the Tribal Council.

As part of that research, a consultant was hired to conduct a comprehensive survey to determine the type of law enforcement program the Saint Regis community desired. According to the consultant, the survey results indicated that the community wants a combination of Tribal and New York State police to provide law enforcement services on the Saint Regis Mohawk Reservation.

The consultant made recommendations, one of which was to hire a police chief to establish and implement a law enforcement program. In June, a veteran law enforcement professional was hired to lead the effort. With the addition of a second person, the law enforcement program is now being coordinated by two experienced police officers with more than 50 years of collective service with the New York State Police and under the auspices of the Ontario and Quebec provincial police in Canada.

These two professionals have prepared a detailed plan of action and are assembling a strong administrative base, including detailed policies and procedures, to guide the department in an efficient and professional manner. Additionally, a building is currently undergoing renovation to house the police department.

The final step in the process of assuring a safe and peaceful community atmosphere for the Mohawk people is the actual staffing and training of an indigenous police force to prevent the recurrence of the dangerous and destructive events of 1988-90.

Issue: The Saint Regis Mohawk Tribe is seeking funding to move forward with its plans to activate a viable Mohawk police agency on the reservation. Start-up and first year operation costs are projected at approximately \$2 million to hire, train and equip a department consisting of 22-person police officers and three civilian support staff.

Justification: There is presently a lack of Mohawk involvement in law enforcement on the reservation. Despite the commendable efforts of the New York State Police, who have enforced the law on the reservation since 1950, there is a definite need and a strong community desire to have a Mohawk police agency. The location of the reservation is such that literally hundreds of visitors each day come to the reservation. A gaming compact, which may be finalized within the next 12 months, will mean thousands of additional visitors every day. Mohawks have traditionally insisted on direct involvement in the affairs of their community and they have repeatedly pressed to have a law enforcement agency of their own to police that community.

Conclusion: The implementation of a Mohawk law enforcement agency to maintain the peace and good order of the reservation is one of the Saint Regis Mohawk Tribal Council's highest priorities in fulfilling the mandate of the Mohawk people. This indigenous law enforcement body will allow the Mohawk people to exercise a greater degree of control over the affairs of their community and will be a positive and significant step toward self-determination. A one-year appropriation will allow the Tribe to establish an indigenous police force and have it firmly in place when gaming begins within the next year.

We, the Saint Regis Mohawk Tribal Council Chiefs, along with the Mohawk people, are seeking your support for funding for a tribal law enforcement agency and wish to thank you in advance for your kind consideration in this matter.

STATEMENTS OF DR. ROBERT W. BARTLETT AND DR. J. ROBERT WOOLSEY ON BEHALF OF THE NATIONAL ASSOCIATION OF STATE UNIVERSITY AND LAND GRANT COLLEGES

SUMMARY OF REQUEST

We respectfully request an appropriation for FY 1994 of \$4,500,000 for Allotment Grants, \$4,000,000 for research and \$250,000 for program administration. This total request of \$8,750,000 for FY 1994 represents an increase of \$2,280,000 over the FY 1993 appropriations.

Further, we recommend that research funds be appropriated for the Respirable Dust and Marine Minerals Generic Center programs, which have received line-item appropriations rather than appropriations within the Mineral Institute budget.

INTRODUCTION

We submit this statement on behalf of the participating colleges and universities supporting appropriation of funds for the State Mining and Mineral Resources Research Institute Program as reauthorized, in 1988, through P.L. 98-409 as amended by P.L. 100-483.

Support for university mineral programs comes through State-Federal-Industry funds and the Mineral Institute program remains as virtually the only Federally supported effort in university education and research in extractive mineral technology. The importance of the minerals in the U.S. economy is underscored by the theme "if it can't be grown, it must be mined." Thus, the U.S. minerals industry is vital to the economic health and defense capability of the Nation and the educational and research capability of the extractive mineral programs in U.S. universities, supported by the Mineral Institutes, is essential to maintaining the flow of manpower and technology to the minerals industry. We believe that Congress was farsighted in reauthorizing the Mineral Institute program and we greatly appreciate the opportunity to continue to demonstrate its value to the Nation.

P.L. 100-483 authorized an appropriation of \$400,000 to each participating State Mineral Institute for Allotment Grant purposes, a total of \$15,000,000 for Research Grants and a maximum of \$450,000 for administration of the Act. With the currently designated 30 Mineral Institutes, the total authorization would be \$27,450,000. We believe that this amount could be used by the Mineral Institutes to the significant benefit of the Nation. However, recognizing the realities of budgetary constraints and the Federal deficit, we respectfully recommend an appropriation of \$8,750,000 of which \$4,500,000 would be for allotment grants to the institutes, \$4,000,000 for research and \$250,000 for administration. We also support separate appropriations of \$2,500,000 for the Respirable Dust Center and \$1,200,000 for the Marine Minerals Technology Center, both of which are administered by the U.S. Bureau of Mines under the Generic Mineral Technology Center program.

THE MINERAL INSTITUTE PROGRAM

The Mineral Institute program is operated through 30 Mineral Institutes. The program has two distinct efforts -- 1) institutional or allotment grant activity and 2) designated generic research activity.

Each Mineral Institute has programs of research and education in the minerals areas sustained by annual allotment grants, matched on the basis of 2:1 non-Federal to Federal dollars. For 1993, an allotment grant of \$74,000 was made to each of these institutions for support during the calendar year based on proposals received from each institute and approved by the Bureau of Mines. Allotment funds were distributed based on plans prepared by the recipients following rules of the Bureau of Mines as approved by the Advisory Committee on Mining and Mineral Resources Research. Most of these funds are being used by the universities for the support of students, with most of the support directed to graduate students preparing for master or doctorate degrees. Some undergraduate students and a few postdoctoral students also receive support. The remainder of the funds are spent primarily for research seed projects critical to the development of new concepts and for research equipment.

Research funds are used for support of Generic Mineral Technology Centers which are located at State Mineral Institutes. Each center has at least one lead university with additional institutes working as research affiliates. Thus the system is fully interactive and cooperative in organization and operation. The generic research areas, the generic center locations and the center affiliates are listed in the 1993 Report on the Mineral Institute Program which is being supplied to the Subcommittee along with this testimony as Appendix A of Attachment 1.

ADVISORY COMMITTEE ACTIVITY

We are aware of the interest by Congress in careful oversight and continuing review of the Generic Center programs. Section 11(a) of P.L. 98-409 as amended by P.L. 100-483 directed the Committee on Mining and Mineral Resources Research to review the activities of the Mineral Institutes and Generic Mineral Technology Centers (GMTCs) and to report to the Congress on the continued eligibility of each Mineral Institute and GMTC plus the relevance and effectiveness of each GMTC's research and the need for further research in the generic area. The review procedures used by the Advisory Committee were described in the Committee's 1992 Report on the Mineral Institute Program. As a result of its extensive review of each of the existing Generic Mineral Technology Centers, the Advisory Committee concluded that "All six GMTCs are performing acceptably. Their projects, prioritized by their Individual Research Councils, are relevant and effective."

With respect to the Mineral Institutes, the Advisory Committee concluded that "All 30 Mineral Institutes, based on the most recent review, are viable and meet the criteria of the (Mining and Mineral Resources Research Institute) Act."

The purpose of providing this discussion of the Advisory Committee activities is to indicate to Congress that we believe that Committee is very effectively discharging its statutory responsibility for oversight over the Mineral Institute program.

APPROPRIATIONS REQUEST

Since establishment of the Mineral Institute program, annual allotment grants to the participating Institutes have been the cornerstone of the program. During 1980-1992, no funds were recommended by the Administration for the program but for the Fiscal Years until 1992, Congress appropriated about \$150,000 annually per Institute for Allotment Grants. The Allotment Grant appropriation for FY 1993 is about \$74,000 per Institute.

In recent years, we have requested that the Allotment Grant program be funded at an increased amount to restore the spending level that existed in the early 1980s. That request has not been successful. Recognizing that fact, we request this year continuation of the pattern of 1980-1991 of funding the Institutes at \$150,000 per year for a total appropriation of \$4,500,000 for the 30 existing Institutes. If appropriated, this would be required to be matched by expenditures of \$9,000,000 in state funds or \$300,000 per Institute, a very significant commitment on the part of each participating State.

We request that funding levels be maintained for the existing GMTCs (\$4 million for Communitation, Mineral Wastes, Mine Systems and Ground Control and Pyrometallurgy; \$2.5 million for Respirable Dust and \$1.2 million for Marine Minerals).

The total appropriations request would then be \$4.5 million for Allotment Grants, \$4 million for non-line item GMTCs, \$2.5 million for the Respirable Dust GMTc, \$1.2 million for the Marine Minerals GMTc and \$250,000 for administration for a total appropriation request of \$12,450,000.

In support of our request for an allotment grant appropriation of \$150,000 per Mineral Institute, we have prepared a documentation of the achievements of each of the 30 Mineral Institutes during 1991. That report will be submitted to the Subcommittee on Appropriations for Interior and Related Agencies as a supplement to this testimony. We believe that the Mineral Institutes do, indeed, perform an outstanding service and would hope that the Subcommittee would, after review of our report, agree with the assessment.

The Section on Mineral Resources of the National Association of Universities and Land-Grant Colleges and the National Association of Mineral Institute Directors would like to express their appreciation for the opportunity to submit testimony to this Subcommittee.

STATEMENT OF DR. RONALD F. LABISKY, PROFESSOR, UNIVERSITY OF FLORIDA, ON BEHALF OF THE NATIONAL ASSOCIATION OF STATE UNIVERSITY AND LAND GRANT COLLEGES

I am Ronald F. Labisky, Professor of Wildlife Ecology at the University of Florida, and Vice-Chair of the Section on Fish and Wildlife Resources of the National Association of State Universities and Land-Grant Colleges (NASULGC). My appearance before you is to testify on behalf of the 161 academic institutions that comprise NASULGC. The administrators, scientists, and educators in NASULGC continue to be vitally concerned about the future viability of our fish and wildlife resources, which in addition to their ecological, economic, recreational, and aesthetic values, are the barometers for determining the health of our national and global ecosystems.

Notably, the recreational and economic values of fish and wildlife resources in the United States are increasing at a substantive rate each year. Participation in some fish- or wildlife-related activity by Americans 16 years of age or older increased from 58% (99 million) to 78% (141 million) between 1980 and 1985; similarly, expenditures by this increasing proportion and number of users increased from \$40 billion in 1980 to \$55.5 billion in 1985. Notably, in 1985, non-consumptive use of these living resources exceeded consumptive use by nearly 2 to 1. This information signals that not only is the public use of fish and wildlife resources increasing but also that the perception of how the resources are to be used is changing rapidly. In short, the people are sending a strong and unprecedented message that wildlife and the ecosystems in which they live are essential ingredients of human life -- both nationally and globally.

Those of us in academe who are involved in ecological sciences are cognizant of the challenge to conserve fish and wildlife resources for present and future generations. One of our strongest allies in striving to meet this challenge is a small unit of scientists within the infrastructure of the U. S. Fish and Wildlife Service: the Cooperative Fish and Wildlife Research Unit Program. Cooperative Units serve a unique role in fish and wildlife research because they address state, regional, and national resource issues from the cooperative perspective of 3

partners: the U.S. Fish and Wildlife Service, the state natural resources agency, and the university. Established in 38 states, the Cooperative Units are in the forefront in addressing current ecological challenges. The following projects illustrate selected contributions of the Cooperative Fish and Wildlife Research Unit Program:

*** Species Richness and Biological Diversity (Gap Analysis):** The Gap Analysis project, using Geographic Information System (GIS) technologies focuses on the mapping of vegetation types, areas of high species richness, and existing nature reserves on a nationwide scale. The species richness mapping spans the spectrum of vertebrate fauna, including species considered to be rare, endangered, or sensitive to environmental change, as well as selected invertebrates. This extensive analysis will provide an effective tool for determining the role and effectiveness of Federal land-management agencies in protecting biodiversity. The Gap Analysis projects has been initiated in 26 states, and, to date, involves Cooperative Units in Arizona, Arkansas, California, Colorado, Florida, Idaho, Maine, Massachusetts, Montana, New Mexico, New York, Oregon, Pennsylvania, Tennessee, Utah, Vermont, Washington, West Virginia, and Wyoming.

*** Environmental Contaminants:** The Cooperative Unit Program has over 50 research projects that address the impact of pollutants and toxicants on fish, wildlife, and their environments. Among such projects are studies of acid rain in the lake systems of New York and Maine and the streams of Pennsylvania; the effects of chemical mosquito control on the fauna of the Florida Keys; and the impacts of agricultural chemicals on the wetland/riverine systems in Iowa, Nebraska, South Dakota, Virginia, and Wisconsin. These studies are designed not only to document the impact of the contaminants on the ecosystems but also to develop strategies for ecologically restoring these natural systems to functional integrity.

*** Endangered Species:** Fueled by accelerating public demands, the conservation and management of endangered species -- plants, birds, mammals, fishes, amphibians, reptiles, and invertebrates -- is a growing concern of state and federal natural resource agencies. The ecological knowledge required for addressing endangered species problems however, is woefully inadequate -- whether it be for the listing or the recovery of a species. In recognition of the need for science-based decision-making, the Cooperative Fish and Wildlife Research Units have more than 100 studies on threatened or endangered species. This coordinated and prioritized network of studies provides a consistent base of new knowledge for developing biologically and socially acceptable management strategies for threatened and endangered species.

We, in the university community, recognize the valuable contribution that the Cooperative Fish and Wildlife Research Units have made in science, education, and information transfer over the past 50-plus years. That this Subcommittee has similarly recognized the value of the Cooperative Unit Program is evident by its past efforts to ensure the continued existence of the Program and by its repeated support of requests for increased federal funding to facilitate the operation of the Units. However, the Cooperative Fish and Wildlife Research Unit Program cannot be the program of excellence that it is, and remain static. Thus, we again ask this Subcommittee to support an increase in the appropriation for the Cooperative Fish and Wildlife Research Unit Program from \$7.8 million in FY 93 to \$9.8 million in FY 94. The increased funds are needed to fill 22 vacant positions in the Unit Program and to supplement much-needed operational funds by 5%. On behalf of NASULGC, we thank you for your continued support of the USFWS--Cooperative Fish and Wildlife Research Unit Program.

STATEMENT OF DR. HENRY J. VAUX, JR, ON BEHALF OF THE NATIONAL ASSOCIATION OF STATE UNIVERSITY AND LAND GRANT COLLEGES

Mr. Chairman, my name is Dr. Henry Vaux. I am President of the National Institutes for Water Resources and Director of the University of California Water Resources Research Institute. I also represent the Section on Water Resources, Board on Natural Resources, of the National Association of State Universities and Land-Grant Colleges. I want to thank you for the opportunity to submit testimony to your subcommittee.

For fiscal year 1994, Mr. Chairman, the National Institutes for Water Resources and the National Association of State Universities and Land-Grant Colleges seek appropriations of:

- ** \$8,250,000 to support activities authorized by Section 104(b) of Public Law 101-397, the Act which authorizes the Water Resources Research Institute Program;
- ** \$5,000,000 to support activities authorized by Section 104(g) of Public Law 101-397; and
- ** \$350,000 for the U.S. Geological Survey to administer the Water Resources Research Institute Program.

This year our testimony is in two parts. I testify in support of an appropriation for the activities authorized by Section 104(b) of Public Law 101-397 and the appropriation to support administration of the program by the U.S. Geological Survey. My colleague, Dr. Steven Gloss who serves as President-Elect of the National Institutes for Water Resources, testifies in support of an appropriation pursuant to Section 104(g) of Public Law 101-397.

Although we recognize that the federal budgetary situation continues to be difficult, we believe that the productivity of the Water Resources Research Institute Program more than justifies the relatively modest appropriations which we seek. I wish to justify our request by summarizing the activities and productivity of the Institute program during the past year.

PROGRAM CHARACTERISTICS

The modest federal appropriation which supports the activities under section 104(b) of the Water Resources Research Act provides the core resources for a network of 54 Water Resource Research Institutes at the land-grant colleges in each of the 50 states, 3 trust territories and the District of Columbia. This network links faculty and students with interests in water resources at virtually every institution of higher education in the country. The core federal funding is augmented from other sources to create a program with dollar revenues that are ten times greater than the funds appropriated directly to the program.

- ** The fifty-four Institutes generated a total of \$57,722,005 from all sources to support their activities in FY 1992.

One measure of program effectiveness is the extent to which federally appropriated dollars attract additional funds, thereby leveraging the basic support provided by the federal government. Taken as a whole, the Water Resources Research Institute Program generated \$10 for each federal dollar appropriated. This is far in excess of the legislatively mandated cost share of 2 to 1 and far larger than the matching funds generated by virtually any other federally supported research program.

- ** \$38,887,343 of this support was generated from non-federal sources.

The strength of the Water Resources Research Institute Program is illustrated by the fact that non-federal entities, including state and local government and the private sector provide a majority of the financial support. Non-federal agencies contribute \$7 for each dollar appropriated to the program. The large non-federal contribution testifies to the program's reputation for excellence in water research and education as well as to the program's productivity. It is especially noteworthy that non-federal program support increased by over \$3,000,000 in FY 1992 despite the major financial stringencies confronting most state and local governments. Simultaneously, it is important to recognize that the non-federal support would erode very quickly were it not for the basic federal appropriation which is central to and underlies all of our activities.

- ** None of the federally appropriated dollars are used to pay institutional overhead or indirect costs.

All of the federally appropriated funds are spent directly on research, education and information transfer activities. In the aggregate the Institutes spend only 12 percent of their funds on administrative support and no federally appropriated funds are used to defray overhead or indirect costs.

PROGRAM ACCOMPLISHMENTS IN FY 1992

Accomplishments in Research and Education

- ** The Institute Program supported 776 research projects, an increase of nearly 10% over FY 1991. 81% of the Institutes supported projects that were conducted in non-host institutions. This is a tangible reflection of how the Institute network creates ties to all institutions of higher education with expertise in water resources.
- ** Institute-sponsored research results in over 1000 publications each year, of which 25 percent appear in peer-reviewed outlets.

The remainder of the publications include monographs, book chapters, conference proceedings and technical reports. Many of the publications are accessible through the National Technical Information Service.

- ** 1254 students were trained in water resources under the auspices of the Institute program.

This represents an increase of almost 200 students over FY 1991. Approximately two-thirds of the students trained were graduate students and the remaining one-third were undergraduates. The number of undergraduates trained by the Institute program increased by over 35% from FY 91.

Accomplishments in Information Transfer

- ** Nearly 80 percent of the Water Research Institutes published at least one newsletter.

These newsletters, which convey developments on water research and technology, were widely distributed and reached an audience totaling over 100,000 individuals and organizations.

- ** The Institutes sponsored or co-sponsored 134 conferences on water resources in 1992.

These conferences ranged from technical sessions for water researchers to policy conferences focusing on one or more water issues facing a state or region.

During FY 1992 the productivity of each of our activities--research, education and information dissemination--increased. This is an impressive record of accomplishment. Yet, it cannot be sustained without the basic federal appropriation. The federal appropriation ensures that the programmatic focus of the entire Institute program is consistent with the objectives specified in the Water Resources Research Act of 1984, as extended and amended. The appropriation provides the basic support and visibility needed to attract the additional funds which expand the program tenfold over that which the federal support alone would allow.

THE CASE FOR AN INCREASED APPROPRIATION

For fiscal year 1994, the National Institutes for Water Resources are requesting an appropriation of \$8,250,000 to support the activities authorized by Section 104(b) of Public Law 101-397. This represents an increase of approximately \$2.75 million over the funds appropriated last year. Our request would provide approximately \$150,000 to each of the 55 program grant recipients. (The Guam Institute receives a grant for Guam and a grant for the Federated States of Micronesia. The remaining 53 Institutes receive a single grant.) The Directors of the National Institutes believe that an increase in the core appropriation is required to ensure continuing growth in the productivity of the program.

- ** An appropriation of \$8,250,000 is less than the authorized level of appropriations for Section 104(b).

While an increase to the fully authorized level of \$10 million would be desirable, the Institute Directors recognize that the federal fiscal situation requires restraint. We believe that an appropriation of \$8.25 million is sufficient to maintain the national network of Institutes and to enhance our capacity to attract additional non-appropriated funds to support the program.

- ** Federal appropriations to the Institute program have remained constant since 1975.

The real purchasing power of federal funds appropriated to the Institute program has declined by over 80% in the last eighteen years. This decline in purchasing power coupled with increases in the real costs of research and education jeopardizes the ability of a number of the Institutes to maintain the core program upon which the national network is built. Similarly, the capacity of these Institutes to lever additional funding support is threatened.

- ** Despite the impressive increase in levered funds for the program as a whole, almost half the Institutes report that state funding for their activities declined in FY 91.

Without exception, these declines were attributed to poor economic conditions and the absence of sufficient state revenues to provide even steady-state support for higher education.

- ** The authorizing legislation requires that each appropriated dollar be matched by at least \$2 of funds not appropriated directly to the program.

The Institutes' record of performance indicates that each additional dollar appropriated would lever substantially more than the required \$2 of matching funds. If, for example, current patterns are maintained, an additional \$2.75 million in federal appropriations would attract over \$20 million in additional funds to the program from other sources.

Finally, we request the Committee to recommend an appropriation of \$350,000 for the U.S. Geological Survey to administer the Water Resources Research Institute Program. This figure is \$332,000 less than what we requested last year for this purpose. It is the absolute minimum required to administer the program.

STATEMENT OF THE UTE MOUNTAIN UTE TRIBE

Introduction:

The Ute Mountain Ute Tribe is requesting \$6,938,500 in funding for the continuing development of 7,600 irrigated acres in partial fulfillment of the Colorado Ute Indian Water Rights Settlement Act of 1988 (P.L. 100-585). The irrigated acres are the Indian component of the Dolores Project, under construction by the Bureau of Reclamation, as authorized in the Colorado River Basin Act of 1968 (P.L. 90-537).

The Water Rights Settlement requires that water be delivered to Tribal lands by the Spring of 1994. It is anticipated that actual test water will be available in the fall or late summer of 1993. Funding is requested in order that on-farm development and supporting infrastructure will be in place to irrigate 4,200 acres in 1994 and the remaining 3,400 acres in 1995. The project will be economically self-sufficient by 1996.

Work Accomplished with FY 1993 Appropriation:

Congress appropriated \$3,966,000 in FY 1993 through the Bureau of Indian Affairs. Ute Mountain Farm & Ranch Enterprise, established by the Tribal Council to plan, develop, and operate the Dolores Project, is utilizing these funds, under the provisions of the Indian Self-Determination Act (P.L. 93-638) to accomplish the following objectives:

Construction Development

1. Construct service roads on Blocks 4,000.
2. Construct livestock exclosures around Blocks 3000, 5000, and 6000.

Project Development

1. Irrigation equipment is contracted for over three years.
2. Headquarters construction begins with shop complex.
3. Electrical power design and construction completed.
4. Communication system for voice and pivot data completed.

Project Management

1. Continue training of tribal members at management levels.
2. Focus on early development of tribal employee base.

Farm Demonstration Unit

1. Identify and test primary crops.
2. Confirm adaptability of preferred hybrids.
3. The demonstration farm is also used as a training tool for interested tribal members.

Proposed Budget and Scope of Work for FY 94

Farm & Ranch Enterprise is past the design stage and rapidly moving from the development stage to the production stage of this project. Provided adequate funding is available this project should be on line and profitable as early as 1997. Based on test results from various crops, the Ute Mountain Ute Tribe and Farm & Ranch Management is confident of the profitability of this project.

In order to complete the development and to initiate production it is necessary to fund the remaining development costs. The proposal for this funding is briefly outlined below and detailed on the following page.

Project Management: Expenses primarily used for personnel and training of staff.

Project Development: Expenses cover a range of engineers for water, sewer, communications, and supervision.

Demonstration Farm: This small test farm provides essential and otherwise unavailable data about crops and varieties. Current data is responsible for the optimistic cash flows for the future of this project.

Project Construction: Laborers and supervisors comprise a multi-tasked workforce building roads, erecting pivots, building fence, and preparing land by removing rock and brush. The lease expense primarily is for pivots and equipment used in the preparation of the land for primary tillage. Contract services include an archeological mitigation contract, construction of office and scales, and construction of product storage facilities at the farm headquarters.

Ute Mountain Farm: The primary tillage and planting of the first crop are included in this category.

**Ute Mountain Ute Tribe
Farm & Ranch Enterprise
Proposed FY 1994 Budget**

<u>ITEM</u>	<u>AMOUNT</u>	<u>SUBTOTAL</u>
PROJECT MANAGEMENT		
Personnel	280,000.00	
Insurance	32,500.00	
Lease Expense	24,000.00	
Operating Expense	104,000.00	
Training & Travel	10,000.00	
Materials	6,000.00	
Crop & Livestock	0.00	
Total Project Management		456,500.00
PROJECT DEVELOPMENT		
Personnel	161,000.00	
Insurance	2,000.00	
Lease Expense	0.00	
Operating Expense	11,000.00	
Training & Travel	50,000.00	
Contract Services	0.00	
Materials	2,000.00	
Total Project Development		226,000.00
DEMONSTRATION FARM		
Personnel	142,000.00	
Insurance	12,000.00	
Lease Expense	87,000.00	
Operating Expense	80,000.00	
Training & Travel	15,000.00	
Contract Services	0.00	
Materials	12,000.00	
Crop Expense	32,000.00	
Total Demonstration Farm		380,000.00
PROJECT CONSTRUCTION		
Personnel	760,000.00	
Insurance	42,000.00	
Lease Expense	1,288,000.00	
Operating Expense	540,000.00	
Training & Travel	15,000.00	
Contract Construction & Services	1,450,000.00	
Materials	461,000.00	
Total Project Construction		4,556,000.00
UTE MOUNTAIN FARM		
Personnel	168,000.00	
Insurance	4,000.00	
Lease Expense	80,000.00	
Operating Expense	120,000.00	
Training & Travel	8,000.00	
Contract Services	0.00	
Crop Expense	940,000.00	
Total Ute Mountain Farm		1,320,000.00
TOTAL BUDGET SUMMARY	6,938,500.00	6,938,500.00

STATEMENT OF THE BABCOCK & WILCOX CO., ON BEHALF OF THE ADVANCED EMISSIONS CONTROL DEVELOPMENT PROGRAM

"ADVANCED EMISSIONS CONTROL DEVELOPMENT PROGRAM"

Mister Chairman and Committee members, Babcock & Wilcox appreciates the opportunity to present this written testimony in support of an advanced engineering development program for the comprehensive control of air toxic emissions from coal-fired electric power generating stations. We request that \$5 million be added to The Department of Energy's Fossil Energy Research and Development GY94 budget to provide funds for this program.

This program has already received important national support. As shown in the attached letter from the Governor of Ohio, the Ohio Coal Development Office will fund up to \$4.5 million. B&W will contribute \$18 million to build the underlying facility and support the air toxics testing program.

BACKGROUND This program is directed at understanding the control of emissions from existing coal-fired utility power stations, which are expected to produce as much as 60% of America's electricity during the next 20 years. Federal funding is essential to support the R&D effort.

Title III of the Clean Air Act Amendment (CAAA) established a list of 190 hazardous air pollutants and charged the U.S. Environmental Protection Agency (EPA) with the responsibility for regulating emissions of these substances into the atmosphere as required to protect public health and the environment. The first phase of compliance is to be based on available technology, and will require plants to install the "Maximum Achievable Control Technology" (MACT). Electric utility plants are currently exempt from this requirement; however, pending the outcome of several risk assessment and emissions characterization studies, there is concern that some regulation will result. We strongly believe that a proactive approach to the development of the technical and economic information utilities will need to assess air toxics control options is needed to respond to environmental improvement challenges and to keep pace with regulatory actions.

The DOE has recognized the need for additional information on the production and behavior of air toxics in power plants as a prerequisite to sound regulatory decisions and economically responsible pollution control. It is likely, however, that the field sampling programs which are presently underway will be unable to provide all of the data needed. B&W proposes to supplement the field data with controlled testing in a pilot-scale facility which we will construct and is specifically designed to accurately simulate coal-fired combustion and the resulting evolution of air toxic emissions. This new \$16.5 million, 100 million BTU/Hr, pilot combustion test facility is called the Combustion and Emissions Development Facility (CEDF). By adding experimental equipment to this facility to allow air toxics research to be carried out in it, and then conducting a systematic program of testing, the information available to the nation to respond to air-toxics regulations in a timely and environmentally sound manner can be enormously increased. We believe that the proposed program is an essential extension of the work initiated in the area by the DOE. By acting now, the program can begin to produce data in time to help the utilities respond to the air toxics challenge in a way which is both environmentally sound and economically responsible.

ENVIRONMENTAL BENEFITS The proposed program is intended to develop strategies to allow U.S. utilities to comply with the requirements set forth in the 1990 CAAA's while continuing to fire coal in a cost-effective manner. The proposed work is expected to have the following benefits for U.S. utilities:

- **Reliable/Representative Data Base.** Tests conducted will provide high quality, repeatable, comparable data over a wide range of coal properties, operating conditions, and emissions control systems.
- **Evaluation Tools.** Data generated during the program will provide utilities with the technical and economic information necessary to evaluate various air toxics emissions compliance options such as fuel switching, coal cleaning, and flue gas treatment.
- **Design and Operating Criteria.** Work during the program will identify design and operating criteria for conventional flue gas cleanup systems which optimize air toxics capture. This will provide utilities with guidance on how to optimize their existing equipment, and on how to select new equipment to minimize their emissions of air toxics in a cost-effective manner.

OVERVIEW OF THE PROGRAM The ultimate objective of this program is to develop practical strategies and systems for the simultaneous control of SO₂, NO_x, particulate matter, and air toxics emissions from coal-fired boilers in such a way as to keep coal economically and environmentally competitive as a utility boiler fuel. Of particular interest is the control of air toxics emissions through the cost-effective use of conventional flue gas cleanup equipment such as electrostatic precipitators (ESP's), fabric filters (baghouses), and SO₂ removal systems such as

wet scrubbers and various "Clean Coal Technologies." This objective will be achieved through extensive development testing in B&W's CEDF wherein air toxics emissions control strategies can be developed under controlled conditions, and with proven predictability to commercial systems. We propose to build upon the capabilities of the CEDF, and to extend those capabilities to include air toxics emissions control development work on "backend" flue gas cleanup equipment. The specific objectives of the proposed program are to:

- Provide a reliable, flexible, and representative test bed for conducting air toxics emissions control development work.
- Measure and understand the production and capture of air toxics species for a variety of coals.
- Optimize the air toxics removal performance of conventional flue gas cleanup systems.
- Quantify the impacts of coal cleaning on air toxics emissions.
- Develop advanced air toxics emissions control concepts.
- Develop and validate air toxics emissions measurement and monitoring techniques.
- Establish an air toxics data library to facilitate studies of the impacts of coal selection, coal cleaning, and emissions control strategies on the air toxics emissions of coal-fired power plants.

Testing under the proposed program will be conducted in three phases. Phase I will consist of installation in the CEDF, shakedown, validation, and benchmarking of the required test equipment (ESP, baghouse, and wet SO₂ scrubber). It is imperative that a quantitative relationship be established between the CEDF results and results from commercial units, not only with respect to SO₂, NO_x, and particulate emissions, but also with respect to the emissions of air toxics. Phase I work will also define baseline air toxics emissions control performance for each of the conventional flue gas treatment devices. Phase II testing will involve the development of air toxics control strategies based on conventional flue gas cleanup equipment. Work in this key area will be directed at the optimization of air toxics capture in conventional particulate and SO₂ control equipment. Extensive development testing, engineering and evaluation will be done to subsequently optimize the performance of these devices for the capture of air toxic species. Finally, the development of new air toxics measurement and monitoring instrumentation will also be investigated in this phase. Phase III testing will be directed at the development of new air toxics emissions control strategies to further reduce the emissions of selected toxics below those of the optimized conventional systems. Such systems might include the injection of a sorbent material into the flue gases for the purpose of capturing air toxics. For comparison purposes, it is anticipated additional U.S. coals will also be tested.

NATIONAL IMPORTANCE OF THE ELECTRIC UTILITY INDUSTRY In 1991, utility revenues from ultimate customers was \$186 billion¹. This was 3.3% of the \$5.67 trillion gross national product. Of these revenues, 57% were generated from coal-fired stations, with an annual payroll exceeding \$30 billion. The Energy Information Agency predicts that the growth in additional U.S. coal generating capacity will increase from 3.9 Gigawatts in the 1993-95 time frame to 38.9 Gigawatts in the 2006-10 period.

Virtually every public and private institution in the country requires electric power produced by the utilities. The importance of the continued financial health of the electric utilities to the economy and security of the United States cannot be overstated. Failure of the electric utilities' ability to generate low-cost power would exaggerate any inflationary pressure in the national economy and perhaps bring economic growth to a standstill. The fate of both the electric utility industry and the national economy are intermeshed; clearly a low-cost, environmentally benign, and competitive electrical generation industry is of national importance.

INTERNATIONAL COMPETITION FOR EQUIPMENT MANUFACTURERS From the beginning of electric power generation through the early days following World War II, U.S. manufacturers were the world leaders in the supply of both fossil and nuclear-fueled power generation equipment. Gradually, however, the more advanced nations of Western Europe and Japan caught up and eroded American manufacturers' foreign markets. Now, through mergers with U.S. firms and manufacturing facilities in countries with low-cost labor resources, western European and Japanese companies are giving American manufacturers stiff competition in the United States.

¹Electric Power Monthly, Energy Information Administration, February 1993, p. 83.

EPRI² estimates that coal production and use worldwide will nearly double over the next 30 years. Sixty percent of that growth in coal capacity and use will be in the developing countries, China, the former USSR, and Eastern Europe. This will open up enormous opportunities for U.S. manufacturers for the sale of power generation and pollution control equipment. These areas of the world, as has occurred in the U.S., will come under increasing pressure to reduce SO₂, NO_x, particulate, including air toxics, and CO₂ emissions. Jack Siegel³ at the COLIT meeting put major emphasis on growing international coal technology markets. As an example, Mr. Siegel pointed out that electric power growth in Thailand and Indonesia for at least the next 15 years will represent a \$6 to \$11 billion a year investment with coal being a major player. The other Asian countries, including China and India, could see a coal utilization growth of over 150 million tons per year over the next 10 to 20 years--creating a massive demand for coal technology and equipment.

SUMMARY Over the next thirty years, the dominant clean air control issue for power generation will continue to be conventional, pulverized-coal-fired power plants. The proposed program is specifically aimed at allowing these plants to continue to produce power cleanly and safely using the Nation's abundant coal reserves in a cost-effective, environmentally-sound manner.

Projections indicate that of the flue-gas emissions emitted from U.S. electrical power stations by the year 2010, 65% will come from coal-fired power generation. To ensure that the air Americans breathe will be as clean as possible, fundamental engineering studies in emission control mechanisms need to be implemented today so that the engineering design information is available to provide low-cost, environmentally-sound, and easily-implemented solutions.

²The Clean Coal and Renewable Energy Technology Transfer Program.
Authorized by H.R. 776, Handout at Clean Coal Technology Coalition COLIT Meeting, Washington, D.C., July 13, 1992.

³Jack Siegel, Deputy Assistant Secretary for Coal Technology, US DOE, Speaking at the COLIT meeting, Washington, D.C., July 13, 1992.

STATEMENT OF THE NATIONAL COAL ASSOCIATION

The National Coal Association (NCA) is a Washington-based organization representing 75 percent of the nation's coal production. Our members represent the full spectrum of coal producers - large and small, underground and surface - covering every coal producing region of the country. Members also include coal sellers, equipment suppliers, resource developers, transporters and electric utilities.

Coal's role in the Nation's economic growth is central. Fossil fuel research and development goes hand-in-hand with establishing a base for future economic growth. A goal of technology development is to have a world in which economic growth and development are self-sustaining and the extremes of poverty have been eliminated. One critical input to achieving this goal is adequate, affordable and reliable domestic energy supplies and environmental enhancement. While NCA itself does not conduct basic research, the coal industry supports basic and applied research and cooperative technology demonstration programs to provide the basis for future commercial technologies.

Increased coal use is clearly critical to domestic energy security and economic growth in the decades to come. And yet, the risk to private sector investment in demonstrating new clean coal technologies is so great, in part because of our highly uncertain regulatory environment, that there is a critical role for government-assisted research, development and demonstration.

The Nation should not risk relying upon any single technology to meet the varied needs of the energy marketplace in enhancing energy efficiency and cost effective environmental protection. Therefore, we support the development and demonstration of a menu of technology options so that utility and industrial users can select the technology best matched to their site-specific needs.

COAL PREPARATION:

The traditional applications of coal play a crucial role in the Nation's energy future. Funding for Fossil Energy's coal preparation program has been on a sharp downward slope, at a rate of approximately 4 million dollars per year since 1990. The coal preparation program focuses on the continued use of coal as a solid fuel. Developments in coal preparation technology have here-and-now potential for assisting the coal industry in the following ways:

1. Assuring the continued use of coal in traditional applications, namely,
 - new large industrial and electric utility boilers
 - existing coal-fired boilers;

2. Opening new markets for coal use,
 - existing large oil-designed boilers/furnaces for commercial, industrial, and cogeneration applications
 - heat engines including coal-fired diesels and turbines for both transportation applications and stationary power generation,
 - liquid fuels for transportation.

These emerging technologies address not only environmental performance, but also the technical and economic constraints associated with new end-uses. Various advanced coal preparation technologies promise to yield the high-quality coal fuel needed to serve these markets. The coal industry supports a level of funding restored to the program at FY91 levels of 16 million dollars.

COAL-WATER FUEL:

Up to a few years ago, the U.S. was recognized as the world leader in coal-water fuel development. U.S. industrial interest has decreased due to depressed oil and gas prices combined with a drop in Federal R&D support. Presently, the international leader in this area is Japan, which is giving emphasis to developing coal-water fuel technology suitable to non-U.S. coals.

Decreased U.S. Federal support was based upon perceptions that (1). coal water fuels are expensive, namely, over \$4.00/MMBtu and (2). at these prices, the market for coal-water fuels is not significant over the next 15 years. Recently, DOE completed an engineering design study of an integrated coal preparation/coal-water fuel production plant. This study showed that anticipated production costs are less than \$2.00/MMBtu (including coal costs) for high quality coal water fuels suitable for use in boilers originally designed for oil.

Most recently, a development team including PENELEC and CONSOL, as well as others, are looking at the near-term feasibility of converting coal fines to coal-water fuels for use in existing coal-fired power plants. This would avoid the disposal of coal fines that are generated during coal mining and preparation operations and result in economic benefits to both coal producers and coal users. Presently, DOE is not supporting this early application of coal-water fuels under Fossil Energy's Alternative Fuel Program. We would support a return to FY92 appropriation levels of 5 million dollars.

LIQUID FUELS FROM COAL:

In keeping with the menu concept, we also support the development of cost effective technology for the manufacture of liquid fuels from coal. This provides a valuable insurance policy for the U.S. The liquefaction of coal, our most plentiful fossil energy source, provides the lowest cost route for producing alternative fuels that can reduce our nation's vulnerability to curtailed supplies and increased costs of imported oil.

The transportation sector of the U.S. economy is both a means to move energy resources to end-use markets and a major consumer of energy. According to the Interagency Commission on Alternative Motor Fuels, "Reliance on conventional fuels has left the U.S. transportation system 98 percent dependent on petroleum...Transportation accounts for more than two-thirds of the nation's petroleum use and more than 80 percent of the high-value light products."

Over the past 15 years, R&D has successfully yielded advanced processes and engineering approaches that have dramatically reduced the projected cost of producing transportation fuels from coal. Compared to the state of the art in the late 1970's, current technology is more energy efficient and produces higher value products. The continuation of a strong process and engineering research program is critical if coal liquefaction is to achieve readiness for commercialization and meet its potential for enhancing the economic growth of the U.S. The Federal budget request for coal liquefaction has declined 12 percent over the past two years. To retain a strong program, coal liquefaction funding should be stabilized at current levels and modest increases allowed in future years as justified by technical progress.

ELECTRIC GENERATION USES:

Most of the coal produced in this country is used to generate electric power. Electricity is the most environmentally benign and efficient end-use energy, and the U.S. will increasingly rely on it. In 1993 the Department of Energy released reports that forecast electricity demand will increase at an average annual rate of 1.1 percent by 2010. These demands cannot be met with current and planned generating capacity. Compounding this problem is that by 2000, 25 percent of existing capacity will be 50 years or older. This capacity must be replaced with new capacity or repowered.

Current coal-fired electric power generation units in the U.S. operate at an average 33-35 percent thermal efficiency, with some older units operating below 30 percent. Advanced systems such as pressurized fluidized bed combustion and gasification/combined cycle systems can increase power generating efficiency to over 40 percent, thereby burning 25 percent less coal to produce the same amount of electricity.

Therefore, we strongly support the continued development and demonstration of these technologies, with emphasis on improved technology for by-product utilization. We also support the development of retrofit technologies.

The coal industry supports continued funding for the Clean Coal Technology Demonstration Program with adequate funds to complete Rounds IV and V, and if funds are available Round VI, as provided in last year's Appropriation bill.

ADVANCED RESEARCH & TECHNOLOGY DEVELOPMENT MATERIALS PROGRAM:

This program is recognized as one of the premier R&D activities within DOE/FE. The program addresses materials research in the areas of new alloy development, ceramics, and corrosion and erosion. It includes both structural and functional materials. It's role in fossil energy addresses the critical materials developments that apply to cost-effective applications and improved performance and fuel efficiency. The program niche is development of high-temperature alloys and high-temperature ceramic composites to perform in sulfur-bearing atmospheres that present extreme wear and corrosion conditions. Critical technologies such as hot gas cleaning, gas separation, and high-temperature heat exchange devices are being developed. Without these materials some of the advanced technologies such as integrated gasification combined cycles will not fulfill their promise of highly efficient and environmentally benign performance which are objectives of the National Advanced Materials Initiative authorized in the Energy Policy Act of 1992.

Many of the program developments have current industrial/commercial applications which will enhance U.S. industry's competitiveness, the environment and fossil energy technologies. A funding level of 8 million dollars for this program will allow it to remain on a course to achieve it's goals.

NATIONAL LABORATORIES:

The government also can promote fossil energy R&D by making maximum use of its existing research facilities, including those national laboratories which traditionally have not been active in fossil energy. The National Coal Association took the initiative in August 1990 to create a more effective partnership between the coal industry and the National Laboratories.

The process began when ten representatives of the coal industry met for two days with researchers at Los Alamos National Laboratory. Over the past three years, subsequent meetings have taken place at The Morgantown and Pittsburgh Energy Technology Centers and Argonne and Oak Ridge National Laboratories. The partnership's mission is to stimulate, facilitate, and/or coordinate the development and transfer of technology to the U.S. coal industry through technical information interactions and future collaborations with the National Laboratories.

The call for reinventing government has sparked considerable discussion on how to redirect its energies to pursuits that best serve our society. The most basic aspect of this exercise remains the assessment and application of available resources in view of today's needs to assure their more efficient use. To this end, the President has recently issued two Executive Orders as part of the effort to control the Federal deficit and improve the administrative productivity of Federal government. Exec. Order 12837 "Deficit Control and Productivity Improvement in the Administration of the Federal Government" (Feb. 10, 1993); Exec. Order 12839, "Reduction of 100,000 Federal Positions" (Feb. 10, 1993). Both Executive Orders impose across-the-board targets to achieve reductions in administrative costs of Federal agencies. But opportunities remain to achieve additional savings and increase productivity by rationalizing an agency's resources in view of changing circumstances. The additional savings can be used to reduce the deficit further or, redirected toward programs that serve emerging societal needs.

An evaluation of the Office of Surface Mining's (OSM) resource levels appears especially appropriate in view of changing circumstances surrounding the programs implemented under the Surface Mining Control and Reclamation Act (SMCRA). The two principal changes in circumstances that implicate the resource needs of the federal agency are:

- o a substantial decrease over the past decade in the number of coal mines regulated under SMCRA; and,
- o the assumption of regulatory authority under SMCRA by almost all of the coal producing states since the early 1980s (state primacy).

Each of these factors separately, and certainly together, demonstrate that existing resource levels at the federal agency remain substantially above what any objective program manager could justify in view of the agency's evolved mission and role. This observation applies equally to the two principal SMCRA programs, regulation of active coal mines under Title V and rehabilitation of abandoned mined lands (AML) under Title IV, since both are administered on a day-to-day basis by the states.

1. Changing Industry Structure

Since the inception of SMCRA, the number of coal mines has dropped substantially by 43 percent. According to OSM's records, the number of coal mines have steadily decreased from some 4,162 in 1978 to 2,380 in 1991. Surface Coal Mining Reclamation: 15 Years of Progress, 1977-1992, (Part 2. Statistical Information) pp. 4-5. The principal reason for the decline in the number of coal mines is competitive market forces. As coal prices fell, less efficient and marginally profitable mines were closed. These competitive market forces placed pressures upon the industry to boost productivity through fewer but more efficient mines. But as the industry restructured and became more efficient with fewer mines, OSM resource levels rose. The number of mines dropped below 4000 in the early 1980s, and to less than 2500 by 1991. Between 1983 and

1991, the number of mines dropped by almost 33 percent. In the meantime, OSM staff increased almost 57 percent. See Table 1. During the last eight years, OSM staff levels have increased at a rate that exceeds the decrease in the number of mines regulated under SMCRA. In short, agency resources have been going in precisely the opposite direction than the facts would dictate.

2. States Have Assumed SMCRA Responsibilities

Aside from the substantial decrease in the number of coal mines subject to SMCRA over the past ten years, the responsibility for administering SMCRA has shifted to the states. After a brief period of shared regulatory authority during the initial regulatory program, the states assumed front-line authority to regulate coal mines in their states under programs approved by the Secretary of the Interior. SMCRA §§ 101(f); 503(a). At that point, OSM recedes to an oversight role, without any day-to-day involvement in the permitting or inspection of coal mines. Today, twenty-three of the twenty-six coal producing states have the day-to-day responsibility to administer SMCRA, including the abandoned mined lands (AML) program. States administer SMCRA for 97 percent of all coal mines and production nationwide.

OSM's resource levels have not reflected the agency's reduced role. Today, OSM has 400 more staff than in 1983 when the last coal producing state assumed "primacy" under SMCRA. In the meantime state resources have increased to reflect their role as the regulators under SMCRA. The states deploy over 2100 personnel for SMCRA, three-fourths of them dedicated to the permitting and inspection of the mines under the Title V aspects of their regulatory programs. At least one study of state capabilities under SMCRA finds that their increased size, technical diversification and improved competence has led to an effective application of state programs "resulting in better environmental protection." Mutz, K.M and Daniels, R.W. 1993. "SMCRA: Changes in State Capabilities." In Desai, Uday, *Moving the Earth: Cooperative Federalism and Implementation of the Surface Mining Act*. Westport, Ct.: Greenwood Press. In each of the coal producing regions, state staff levels have become larger, and the ratio of mines to state regulatory personnel has dropped: Appalachian states from 12/1 to 2/1; Interior region states from 2.6/1 to less than 0.5/1; and, Western states from 2/1 to less than 1/1. *Id.* at 223-24. Combining the growth of both federal and state staff, the ratio of mines to regulatory personnel is about 1 to 1 nationwide.

About half of OSM's FY '94 budget request for regulation and technology contains substantial components that duplicate existing state resources.¹ Moreover, the cost of this inefficient duplication in resources goes beyond the obvious fiscal consequences. According to the states, OSM's overwhelming physical presence leads to burdens imposed upon the states by OSM for "excessive and unnecessary" information requests, data collection and studies all of which demand substantial commitments of state resources, and divert the states from their mission of administering their SMCRA programs. See, Testimony of Interstate Mining Compact Commission, "Implementation of SMCRA" Oversight Hearing Before House Committee on Interior and Insular Affairs No. 102-73 at 82. (Feb. 20, 1992).

The excessive duplication of state and federal staff resources is equally apparent in the Title IV Abandoned Mined Lands program. The states, which serve as the delivery mechanism for this program, employ about 512 staff for this purpose. The approximately 434 federal AML staff virtually duplicates on a 1 to 1 ratio the state AML staff. In a prior investigation of the administration of the AML program, the General Accounting Office (GAO) found that in five years alone, 28 percent, or \$363 million, of AML funds appropriated were expended on administrative expenses as opposed to actual reclamation projects. More than one-third, \$137 million, of these administrative expenses were incurred by OSM which performed only \$100 million in actual federal projects nationwide. Management of the Abandoned Mine Land Fund, GAO/RCED-91-192 (July 1991). At an annual rate of \$27 million, OSM appears to have expended over \$400 million for overhead expenses since 1978 — enough money to reclaim the remaining priority AML inventory for the 17 western, central and midwestern states. This extravagant use of the trust fund for administrative expenses is wasteful in its own right, and certainly has no legitimate justification in view of the substantial duplication between state and federal staff consuming resources from the AML trust fund for administrative expenses.²

CONCLUSION

Fiscal limitations require government to rationalize existing program resources in view of today's realities in order to assure the most efficient deployment among national programs. Despite the longstanding trend of fewer mines to regulate and the statutory delegation of front-line authority to the states, OSM resource levels have grown over the past ten years. The realities of a restructured coal industry and the secondary role the statute dictates for OSM now that states have assumed the front-line responsibilities demonstrate that substantially less federal agency resources are necessary today than during the initial years after the enactment of SMCRA in 1977. These changes afford an opportunity to adjust the federal agency's resource levels to better reflect today's realities.

¹ OSM's FY '94 budget for regulation and technology requests almost \$111.6 million, with about \$51.6 million for state program grants; and, the remaining \$60 million for the federal agency which includes funding for 703 agency staff. See, The Interior Budget In Brief, at 66 (April 8, 1993).

² A substantial portion of the \$8 million and 314 federal staff requested in the FY '94 AML budget for reclamation program operations, RAMP, executive direction and administrative support duplicates state capabilities funded under the state reclamation program grants. See, The Interior Budget In Brief, at 67 (April 8, 1993).

**STATEMENT OF ROBERT PEACOCK, CHAIRMAN, FOND DU LAC
BAND OF LAKE SUPERIOR CHIPPEWA**

Mr. Chairman, Members of the Committee, my name is Robert Peacock. I am the Chairman of the Fond du Lac Band of Lake Superior Chippewa. I would like to thank you for the opportunity to present our proposal for the Fond du Lac Ojibwe School and our Fiscal Year 1994 Appropriations Request to the Bureau of Indian Affairs for \$380,000 for our Natural Resources and Forestry Project Proposals.

The Fond du Lac Reservation is one of six Chippewa Bands in the Minnesota Chippewa Tribe. The Reservation was established in 1854 by a Treaty with the United States Government. Currently, there are about 4,200 Fond du Lac Band Members. The Fond du Lac Reservation encompasses approximately 100,000 acres, and is located 20 miles west of Duluth, Minnesota.

The highest priority need is for the Fond du Lac Band to build a new pre-K through 12 school to house approximately 445 students. The Band proposes to construct a new school to replace its current decrepit facility by borrowing money on the open market to finance the \$7.5 m. cost of the school. To assure lenders of a steady income stream, which would enable the Band to make payments on its borrowing for the new facility, the Band is proposing that the Department of the Interior be authorized to amend the existing PL 100-297 grant agreement so that in the formula for determining the grant amount there would be a new line item covering debt service, which would be an annual allowance of **\$695,000**. This could be done with existing Bureau of Indian Affairs school operations appropriations and would not require new appropriations.

The highest priority appropriations request of the Fond du Lac Reservation is for the Natural Resource Program and Forest Management Proposals. These proposals would require a **\$380,000** increase to the existing Natural Resources and Forestry Program budgets. Our second highest Natural Resources priority is for continuing the funding of Fond du Lac's waterfowl projects in the "Circle of Flight" for **\$65,000**. The fisheries, wildlife, wild rice, and forest resources on Fond du Lac are very important to the 4,200 Band Members for their culture, employment, and recreation.

We request that the U.S. Congress and the Bureau of Indian Affairs fulfill their Trust responsibility to the Fond du Lac Band by assisting in their efforts to educate their children and protect their resources.

We also feel it is important to support the funding of the BIA's Forest Development, and Inventory and Management Planning add-on funds. The Fond du Lac Band also supports the three initiatives; 1) Circle of Flight Wetlands Initiative, 2) Great Lakes Tribal Conservation Enforcement Training Initiative, and 3) Great Lakes Indian Environmental General Assistance Program; of the GREAT LAKES REGION of the Native American Fish & Wildlife Society.

The Fond du Lac Band and the Bureau of Indian Affairs approved the Fond du Lac Natural Resource Management Plan and Environmental Assessment in July of 1990. The Natural Resource and Forest Management Proposals will begin implementation of this Integrated Resource Management Plan.

The Fond du Lac Reservation Forest Management and Natural Resource Programs have developed these projects and the Integrated Natural Resource Management Plan (IRMP) with the cooperation of the U.S. Fish and Wildlife Service, U.S. Forest Service, Bureau of Indian Affairs, and the Minnesota DNR.

The Natural Resources and Forest Management Proposals presented to you today are the highest priorities as identified in the Integrated Natural Resource Management Plan (IRMP). The level of funding requested is a realistic assessment of the resource management needs of the Fond du Lac Band.

The Fond du Lac Band of Lake Superior Chippewa proposes to construct and equip a new facility for its tribally-controlled school, the Ojibwe School, in order to replace its present, decrepit facility. Doing so requires a partnership with the federal government.

The existing Ojibwe School is a grant school under the Tribally Controlled Schools Act of 1988 (PL 100-297, Title V, Part B; the "Tribally Controlled Schools Act") serving approximately 171 children in grades K-12. The facility is old and decrepit. It utilizes two temporary portable buildings to house grades K-6. It is not large enough to handle existing enrollment; within the last school year 50 students were turned away for lack of space. The facility is in violation both of applicable building codes and BIA space guidelines. Notwithstanding these physical handicaps, the school has been able to provide high quality education to the students it is able to admit.

NEW SCHOOL:

The new 81,000 square foot school proposed by Fond du Lac, to be built at a cost of \$7.5m, would serve approximately 365 students in grades K-12 plus an additional 80 Headstart (pre-K) students. It would be built on the Reservation, near the existing school, in accordance with BIA educational space guidelines, North Central Accreditation Standards and educational space recommendations of the Minnesota Department of Education.

STRUCTURE:

The Band will create the Fond du Lac Educational Authority, a tribal instrumentality charged with the responsibility of constructing, financing and operating a school. The Band will lease the site of the school to the Authority under a ground lease.

The Authority will sublease the school to the Band under a sublease agreement. Under the sublease, the Band will agree to make sublease payments to the Authority which match the Authority's required payments in borrowing.

The Band and the federal government will amend the Band's existing PL 100-297 grant agreement to provide, in the formula for determining the grant amount, a new line item covering debt service for the new school, in this case an allowance of \$695,000.

The borrowing will further be secured by a mortgage, from the Authority to the lenders, on the Authority's leasehold interest in the site and the School.

Under this structure, the obligation of the Authority to repay the borrowing is dependent completely on the payments received from the Band under the sublease.

The obligation of the Band to make its sublease payments is dependent completely upon its receipt of 297 grant funds from the Federal Government each year.

The obligation of the federal government is to make the annual 297 grant payments to the Band subject to annual appropriations by Congress.

The ability of the lenders to get repaid is dependent completely upon the federal government continuing to make the 297 grant payments. If those payments are not made, the lenders have a mortgage on the Authority's leasehold estate to the school and its site and can take over possession for the remaining term of the underlying ground lease.

ACTION NEEDED:

THE APPROPRIATIONS COMMITTEE SHOULD REQUEST THE DEPARTMENT OF INTERIOR TO AMEND THE BAND'S PL 100-297 SCHOOL GRANT AGREEMENT SO THAT IN THE FORMULA FOR DETERMINING THE GRANT AMOUNT THERE WOULD BE A NEW LINE ITEM COVERING DEBT SERVICE FOR THE NEW FACILITY, WHICH IN THIS EXAMPLE WOULD INVOLVE AN ALLOWANCE OF \$695,000.

Introduction

The Fond du Lac Reservation is one of six Chippewa Indian Reservations in Minnesota. It was established by Treaty with the United States Government on September 30, 1854 (Stat. 1109). Presently there are some 4,200 Fond du Lac Band Members. Fond du Lac is located about 20 miles west of Duluth, Minnesota.

The Fond du Lac Reservation encompasses approximately 100,000 acres, of which 21,364 acres is Indian Trust Land. There are approximately 3,200 acres of lakes on the Reservation, 1,900 acres of wild rice lakes and associated wetlands, and 66 miles of cool water streams. The St. Louis River is the most important subsistence and sport fishery.

Fond du Lac has 17,500 acres of commercial forest. The aspen cover type accounts for 60% of the Trust commercial forest land. The greatest forestry management needs are within the over-mature aspen stands. Another important forest management need on Fond du Lac involves improving our management of the forest on Allotted Lands, which comprise 80% of our forests. This requires extensive work to plan and implement forest practices on these lands.

An Integrated Resource Management Plan (IRMP) has been completed and officially adopted by the Fond du Lac Reservation. The IRMP has established basic goals, priorities, and preferred options for resource management on Fond du Lac. The proposals presented in this document reflect the natural resource management goals of the Fond du Lac Reservation.

The Natural Resource Program and the Forestry Program are responsible for managing the fisheries, wildlife, wild rice and Trust forest resources on Fond du Lac. These programs are

professionally managed and are capable of protecting, enhancing, and managing the natural resources on the Fond du Lac Reservation.

The Fond du Lac Band supports the three initiatives: 1) Circle of Flight Wetlands Initiative, 2) Great Lakes Tribal Conservation Enforcement Training Initiative, and 3) Great Lakes Indian Environmental General Assistance Program; of the GREAT LAKES REGION of the Native American Fish and Wildlife Society.

FY-1994 APPROPRIATION REQUEST

The Natural Resource Program and Forestry Management Program on Fond du Lac are presently contracted with the Bureau of Indian Affairs, through PL 93-638. The Fond du Lac Reservation is seeking additional funds for FY-1994, as the funds for the contracted programs are inadequate to protect and properly manage the Band's natural resources. Fond du Lac is requesting a total of \$380,000 as an increase to the program budgets for FY-1994. The appropriation requests being made in this instance are a realistic assessment of the resource management needs of Fond du Lac. Additional funds were requested by Fond du Lac for FY-1993, and much needed funds were appropriated. It is fully within the obligation of Congress and the BIA, pursuant to their Trust responsibility, to assist the Band in meeting its obligation to protect their resources.

STATEMENT OF DANIEL E. ALBRECHT, MARINE POLICY SPECIALIST, BERING SEA FISHERMEN'S ASSOCIATION

Founded in 1979, the Bering Sea Fishermen's Association is a non-profit extension service for small boat fishermen from the villages of western Alaska. Its twelve member Board of Alaska Natives has three representatives from each of the four regions of western Alaska: Bristol Bay, Yukon-Kuskokwim Delta, Norton Sound, and Kotzebue Sound. BSFA members and residents of the Alaska Native villages of Quinhagak, Bethel, Mountain Village and Kotzebue all participate in small-scale commercial salmon fisheries that provide limited, but crucial, cash income.

The four villages respectfully request that funding be provided in FY 1994 in the amount of \$650,000 for *tribal fisheries development in western Alaska*. \$400,000 is sought to improve locally-owned salmon processing facilities. \$250,000 is sought for a concerted domestic marketing effort on behalf of the villages' salmon fishermen. The requested funding would be provided through tribal management and development programs within the Bureau of Indian Affairs. The overall, long-term goals of the project are to enhance local control of the processing and marketing of salmon and to improve quality and prices for western Alaska salmon.

BACKGROUND

The Yup'ik and Inupiaq Eskimos of the Bering Sea coast live a subsistence way of life from harvests of different fish and mammals such as seals, salmon, moose and whitefish. Although these resources supply most of their food needs, these Native hunters and fishermen also need cash to purchase various imported essentials such as gas, heating oil, and non-perishable foodstuffs and also the equipment necessary for subsistence harvesting such as snowmobiles, boats, outboard motors, nets, and rifles. Cash income is extremely low, however, as jobs are scarce and usually only last a short time. The region is isolated from urban centers such as Anchorage. The per capita income in our villages is about sixty percent of the U.S. national average.

Commercial fishing is the largest single source of cash income in these villages. Fishermen use small skiffs powered by outboards to harvest the five species of Pacific salmon as they enter the various rivers. Fishing income averages about \$6,000 from about 9 weeks of fishing.

From the late 1970s through the mid-1980s, some villages including Kotzebue and Mountain Village were able to own and operate full scale salmon processing plants. However, in recent years many of these village-owned plants ceased operating due to competition from better financed outside companies and a drop in salmon prices as the Japanese and European markets became glutted from farmed salmon production from countries such as Norway, Chile and Scotland.

PROGRAM DESCRIPTION

The *Bering Sea Fishermen's Association* has assisted these and other similar villages in variety of ways over the past ten years. Small halibut processing plants have been designed and administered with BSFA assistance in three villages. BSFA-designed brochures and other information on direct-marking and fish smoking have been distributed to hundreds of western Alaska village fishermen. BSFA helped Quinhagak administer about \$1 million in grants for the construction of their salmon plant. Fishermen from Bethel, Mountain Village and Kotzebue have been assisted in their first efforts to improve salmon quality and in their interactions with state and federal regulatory agencies on salmon harvesting and processing issues.

The *Quinhagak IRA Council* owns a newly-constructed salmon plant, the first in their village. The plant represents the first opportunity for local processing of the village's salmon catch since all salmon caught in the area have been shipped to other points for initial processing. Funds are sought to improve onboard catch quality for the plant's salmon and to expand test marketing efforts initiated last summer by BSFA in the Boston area.

Funds for the *Orutsarmuit Native Council (Bethel)* are sought to purchase a small ice machine and insulated totes so local fishermen can improve the quality of their salmon catch and hence improve exvessel prices. Kuskokwim River fishermen use small skiffs and thus can not install, much less afford, refrigeration equipment. Fishermen from Bethel and the surrounding villages will also be able to ship some of this improved catch to domestic markets as part of this package's U.S. east coast marketing effort.

The Mountain Village Native corporation, (Azachorak Corp.), has owned and operated their own salmon plant for many years. However, due to stiff competition from non-Alaskan processors and rising expenses from annual repairs to old equipment the plant ceased operation in 1989. Funds are sought for the *Mountain Village Traditional Council* to repair and upgrade equipment to bring the plant in compliance with health regulations. Local fishermen have also expressed an interest in self-marketing some of their lower value salmon species.

The *Kotzebue IRA Council* is seeking funds to re-start operations of a local salmon plant owned by the NANA regional native corporation. Funds are sought to upgrade equipment at the plant and to establish a shoreside buying station operated by the local Kotzebue Fishermen's Association.

These four villages are all seeking better prices for their salmon fishermen. They are joining with BSFA in a concerted domestic marketing effort to break the cycle of low prices caused by the glut of farmed salmon on the market. The key will be to develop brand name identity for salmon from these particular areas.

In the summer of 1992 BSFA worked with Quinhagak fishermen to test market about 500 lbs. of salmon at ten small restaurants and grocery stores in the Boston area. Problems with efficient and timely air shipping were encountered at first but when these were overcome the restaurant owners responded favorably noting the richer taste and color of these fresh, wild Alaska salmon compared to the farmed Atlantic salmon usually served.

These results warrant an expansion of this *domestic salmon marketing initiative* conducted on behalf of western Alaska's Native fishermen. \$250,000 is requested for the village councils to work with BSFA to test market 75,000 lbs. of salmon from their area's fishermen. Since the main competition is farmed Atlantic salmon which can reach east coast markets in only a few hours, the test marketing project will focus on maintaining top quality control throughout the delivery circuit from immediate bleeding and icing of the catch to developing the most efficient and quickest air shipping and delivery network. If high quality can be maintained, these wild salmon can attract those consumers who are willing to pay a little more for a better tasting fish. 60 percent of these funds will be spent on purchase, shipping and handling of the salmon with the other 40 percent to go towards costs for marketing staff, overhead, materials and travel to market.

PROGRAM COST SUMMARY: FY 1994

<i>Quinhagak salmon plant</i>	\$200,000
Obtain equipment to upgrade fish handling and quality such as insulated fish containers, onboard fish icing equipment	
<i>Bethel salmon quality ice machine</i>	\$60,000
Obtain 5 ton ice machine and insulated totes for fishermen use to improve quality of catch. Operation and maintenance funds also necessary.	
<i>Mountain Village salmon plant</i>	\$120,000
Repairs to bring plant up to code (\$70,000): sewer hookup, generator overhaul, foundation repairs. Equipment upgrade (\$50,000): heading & gutting machine; waste grinder	
<i>Kotzebue salmon plant</i>	\$200,000
Improvements to NANA plant (\$100,000): heading & gutting machine, 1000 lb. smoker; miscellaneous repairs. KFA fish-buying station (\$100,000): front-end loader; 1.5 ton flatbed, truck; scale, totes, etc.	
<i>Western Alaska salmon domestic marketing effort</i>	\$250,000
Marketing efforts in Boston and Washington, D.C.; test shipments and marketing of 75,000 lbs. of fresh salmon total. BSFA will coordinate this marketing effort for the fishermen from the four villages. Marketing funds will be allocated to the village councils as follows: Quinhagak - \$100,000; Bethel - \$50,000; Mountain Village - \$50,000; Kotzebue - \$50,000.	

Program Sub-Totals by Village Council:

Quinhagak IRA Council:	\$120,000	Orutsarmuit Native Council, Bethel:	\$110,000
Mountain Village Traditional Council:	\$170,000	Kotzebue IRA Council:	\$250,000

The bulk of the funds for all five elements of the western Alaska tribal fisheries development project will be spent on the following items: equipment purchase, shipping and installation; shipment and distribution of fresh salmon; marketing staff, material and travel costs.

PROGRAM ADMINISTRATION

Each Native village council will have control over the funds allocated to the salmon plant improvements and marketing efforts on behalf of the village's fishermen. Cooperative agreements between the councils and the village or regional corporations that operate the salmon plants will be set up. BSFA, with a ten year track record of working with these villages, will be a chief contractor for the domestic marketing effort. BSFA can also assist where necessary with project administration and grant reporting having administered several Administration for Native American (ANA) grants on behalf of select villages.

BENEFITS

Restore employment: Through refurbishment and renewing operation of locally-owned salmon processing plants, 20-30 jobs in fish processing and plant management will be restored or created in each village.

Create new jobs: Through the marketing effort, villagers will gain new work and experience in salmon shipping and handling, direct marketing and public and consumer relations.

Local control and self-determination: The councils and their affiliated village partners will regain control of salmon processing in their village. Through this opportunity at self-determination, Native villages will be able to achieve the appropriate balance between maintaining their subsistence way of life and creating opportunities for cash income.

Attract private investment: The restoration of local salmon processing and the start of direct marketing by village fishermen will attract investment from seafood buyers as well as the service sector. There will be opportunities for joint ventures between the private sector or the Native corporations.

STATEMENT OF THE UNITED STATES TROUT FARMERS ASSOCIATION

We appreciate this opportunity to present to you our thoughts on the 1994 Budget. These comments are on behalf of the United States Trout Farmer's Association (USTFA), our nation's senior fish farming organization. The association was founded in the interest of creating a unified voice for the national trout industry. It has grown with our industry and now has members in virtually every state and in many foreign countries, as well.

An important objective of the association is ensuring the best interests of its members. In that context, it is essential that fish health services continue to be provided by the U.S. Fish and Wildlife Service to the trout industry until such time that a reasonable, equitable alternative can be developed, agreed upon and instituted.

We are sensitive to Service budgetary constraints, philosophical change and current controversial plans, but the fact remains that our industry operates under a confusing and restrictive labyrinth of state and federal regulations. It is fair to say that the concept of fish health regulation was fostered by Service initiatives and that our industry became subject to resultant laws, with the Service and some states willingly providing companion diagnostic and certification services over the years; this being undertaken in the interest of protecting the resource. We have worked with the various resource agencies within this expanding myriad of regulation, being cognizant of the fact that the resource and fish health management on hatcheries is of concern to all, regardless of whether an individual is producing trout for recreational purposes or for the food-fish market. As a matter of record, our industry is involved in both facets of production.

In recent years, however, the Service has indicated a desire to reduce assistance, citing the aforementioned reasons. To complicate matters further, assistance has become increasingly inconsistent between regional boundaries. The most exemplary example is the Service's Region Five, the region serving the northeastern United States where fish health services to our industry have been essentially eliminated. The stated reason: shortage of funds. New England growers have either had to obtain services from a private laboratory in Maine at an exacting cost, alter their production programs, reduce or eliminate interstate shipments or simply cease operations.

The effect of Region Five's unilateral policy extends to the marketplace in that New England growers are placed at a competitive disadvantage with growers in contiguous Service regions who continue to receive assistance.

In the 1993 Fiscal Year Budget, the Service proposed and obtained a decrease in fish health services of \$275K and two FTE's. The stated purpose was to reduce monitoring, inspection and diagnostic services to state and private hatcheries. At our request the funds were replaced only to be removed once again.

Aquaculture represents the fastest-growing segment of animal agriculture in the United States. Farm gate receipts have increased four-fold in the past ten (10) years to over \$800M in 1991. This growth has resulted in a sizable economic impact. Almost 300,000 jobs are now aquaculture-related. It is estimated that the aquaculture industry will have to produce seven times as much seafood in the years ahead as it does now to meet global demand in view of stable or declining capture fisheries.

In the interest of aquaculture's increasing contribution to the nation's economy, we ask the Appropriations Committee to restore the \$275K and two FTE's to the Service's FY 1994 Budget for fish health services to the United States trout industry. And with all due respect, we request that the funds be equitably distributed and utilized by the Service, ensuring that our industry is treated consistently, irrespective of regional boundaries or regional philosophy.

If additional information is required, please do not hesitate to contact Joseph P. McCraren, Executive Director, U.S. Trout Farmers Association. His telephone number is (304)876-6666; fax (304)876-0946. We appreciate the Appropriation Subcommittee's consideration of this request and are hopeful that fish health services will be available to our industry until such time that an alternative arrangement is formulated.

STATEMENT OF J. DONALD THORNBURGH, ASSISTANT TO THE
VICE PRESIDENT, SOUTHERN COMPANY SERVICES, INC.

Southern Company Services, Inc. ("SCS") is a subsidiary of The Southern Company. Its role is to provide, at cost, technical and management services to the five operating companies and other affiliates of The Southern Company.¹ Among other things, SCS conducts research on technologies that could be used by the affiliated operating companies to produce power more efficiently. In particular, The Southern Company, through SCS and its operating companies, has supported and conducted research that would help the nation utilize its coal resources while minimizing the effect on the environment. As a result, SCS is currently participating in projects in both the DOE Clean Coal Technology program and the DOE Fossil Research and Development program.

The purpose of this testimony is to request the subcommittee's continued support for the Power Systems Development Facility for Gasification and Pressurized Combustion and specifically to request funding of \$30 million for FY'94 in the Department of Energy's Fossil Energy Budget. This funding will be used to continue the construction of the Joint Industry/DOE Wilsonville Power Systems Development Facility scheduled to begin during the fourth quarter of FY'93.

Federally-funded coal research has produced useful results with a number of promising clean-coal technologies. For example, government and utility sponsored research has been instrumental in helping develop gasification and pressurized combustion power generation technologies. Both technologies can be used to repower existing coal fired power plants, to refuel combustion turbines, to reduce dependence on petroleum, or to add new base-load capacity. Before they can be fully employed, however, additional development is necessary, particularly in gas stream cleanup and systems integration. Nonetheless, these technologies can in the near future greatly improve unit efficiency and reduce environmental effects associated with the use of coal.

¹ The other companies of The Southern Company are: Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, Savannah Electric and Power Company, Southern Nuclear Operating Company, The Southern Investment Group, and Southern Electric International, Inc.

Description of the Power Systems Development Facility

The Wilsonville Power Systems Development Facility for Gasification and Pressurized Combustion provides for the design, construction, and operation of a joint industrial/DOE facility for engineering-scale testing and development of devices to remove particulates from hot gas in high-efficiency coal gasification and pressurized fluidized bed combustion power plants. This form of particulate removal must be perfected in order to utilize new high-performance gas turbines in coal-based power plants. When fully developed, the technology will improve the efficiency of power generation from coal by over 1000 Btu/kwh, will lower the cost of electricity by over 10 percent, and will be more acceptable by coal-based utilities than today's coal-gasification combined-cycle designs and will reduce pollutants by up to 99 percent.

National Importance of Coal Gasification, Pressurized Combustion, and Advanced Power Cycles

For new base load power generation, coal gasification and pressurized combustion technologies offer potentially significant improvements in cost, efficiency, and environmental performance over conventional pulverized coal combustion.

Coal gasification has the following advantages over conventional coal fired power plants:

- o Higher efficiency (up to a 40 percent increase) for lower emissions, including carbon dioxide and resource conservation.
- o Compatibility with other advanced technologies such as fuel cells and combustion turbine cycles. This compatibility can result in improved economics and efficiencies of coal gasification power plants as these other technologies improve.
- o Capability of repowering natural gas fired power plants if natural gas prices dramatically change.
- o Capability for co-production of chemicals, such as methanol, and electricity to provide for energy product optimization in changing markets.

Pressurized Fluidized Bed Combustion (PFBC) offers the following advantages over conventional coal fired technology:

- o Higher efficiency for lower emissions of carbon dioxide and improved resource conservation.
- o Compatibility with existing coal fired power plant infrastructure. PFBC is well suited to increase capacity and reduce emissions at some aging coal-fired power plant sites.
- o Coal-based electric utilities have greater confidence in the economics and operability of PFBC compared to IGCC due to their familiarity with solids-handling unit operations.

Hot-Gas cleanup and advanced integrated cycles for coal gasification/pressurized combustion systems offer the potential for these systems to continue to improve on cost, efficiency, and environmental performance. The technology is not as well developed as conventional systems and additional research is required. The technical feasibility of these improvements should be demonstrated between 1995 and 2000. The economic advantages should be demonstrated on a commercial scale between 2000 and 2005, with full commercialization soon thereafter based on present funding levels.

Project Status, Schedule and Total Budget

As directed by Congress in the Conference Report accompanying the FY'93 appropriations bill, The Department of Energy, in January 1993, sent to Congress a report containing definitive cost estimates for construction and operation of the Wilsonville Power Systems Development Facility. Based on conceptual design cost estimates prepared by a team of industry leaders of Advanced Pressurized Fluidized Bed Combustion (APFBC), Advanced Combustion Turbines, and Externally Fired Gas Turbine (EFGT) Cycles, the report proposed to synergistically consolidate several DOE advanced power cycle research projects. The cost estimate, when compared to stand alone facilities, demonstrated that economies of scale from project consolidation (such as operating and maintenance labor and use of common infrastructures such as office buildings and utilities) will reduce the cost by more than 20 percent or approximately \$32 million. In addition, technical issues such as control systems and process integration can be better addressed when the

individual components are located at one site. We also believe that the technical quality of the research results will be improved since it will not be necessary to "simulate" conditions such as syngas composition for Advanced Combustion Turbine testing. Based on the cost estimate and proposal, SCS and DOE negotiated a modification to the Cooperative Agreement for the Hot Gas Cleanup Test Facility, which included a transport reactor for coal gasification and pressurized combustion, to also included an Advanced Coal Carbonizer and Pressurized Fluidized Bed Combustion Module based on Foster Wheeler technology, an Advanced Combustion Turbine Cycle and Combustion Module based on General Motors, Allison Division, and Westinghouse technologies, and a Molten Carbonate Fuel Cell Module provided by a vendor that will be selected at a later date.

The detailed design has begun on the facility and should be completed by the end of the first quarter of 1994. Construction of the facility can begin by July, 1993, (pending National Environmental Policy Act review and approval) and should be finished by December 1994, and a two year component testing phase will begin immediately thereafter. The project is scheduled for completion by the end of FY 1996. The estimated total cost of the project including design, construction, and two years of operation is approximately \$145 million.

Industry Cost Sharing

During 1992, SCS successfully completed negotiations with industrial partners and with the Electric Power Research Institute to cost share 20 percent of the total project cost. Following is a breakdown of the industry cost sharing:

Electric Power Research Institute;	
Cash	\$ 9.5 Million
In-kind	\$ 4.3 Million
Southern Company;	
Cash	\$ 4.5 Million
In-Kind Services	\$ 2.8 Million
Other Industry Participants;	
Cash and In-Kind	\$ 8.5 Million
Total	<u>\$29.6 Million</u>

STATEMENT OF THE AROOSTOOK BAND OF MICMAC INDIANS

The Aroostook Band of Micmac Indians of Maine thanks this Subcommittee for the opportunity to present our requests regarding the President's FY1994 budget proposal for programs in the Bureau of Indian Affairs and Indian Health Service.

For FY1994, we are requesting:

-- \$450,000 under the BIA New Tribes account;

-- \$600,000 in IHS new tribes funding, which would include funds for the development of an environmental health program, and funds for a feasibility study to enable the Band to explore with IHS the feasibility of the Tribe and IHS using the existing facilities in the area, possibly for a regional youth treatment center or other regional direct care facility; and

-- additional funds for Indian Child Welfare Act grants and Housing Improvement Program nationwide, both of which we operate.

The Aroostook Band of Micmac Indians of Maine is deeply grateful to Congress for the support you gave us in FY1993. FY1993 was a critical year, as it was only in November of 1991 that federal recognition was extended to the Aroostook Band of Micmacs, as part of legislation to settle our claims against the State of Maine, since we had been left out of the 1980 Maine Indian Claims Settlement Act. In FY1993, Congress provided funds for the Tribe under the New Tribes accounts in both BIA and IHS, and appropriated funds for our Land Acquisition Fund, which will allow us to acquire land or natural resources within the State of Maine, to be held in trust by the federal government.

The responsibilities facing the Aroostook Band of Micmacs since November, 1991, when we were recognized as a new tribe, have been both exciting and challenging. The Tribe wishes to take advantage of additional BIA and IHS programs, to hire additional tribal staff to serve the needs of our community, and to establish an efficient and accountable governmental infrastructure.

BIA New Tribes Funding. The FY1993 Interior Appropriations Act provided a level of BIA New Tribes funding in the amount of \$377,600 for the Aroostook Band of Micmacs. Under the New Tribes grant, the Band has been able to establish an initial stable base for our governmental operations, by hiring our Executive Director, our Tribal Administrator, a Housing Improvement Program (HIP) director, and an Assistant Economic Development Specialist. The Tribe is also in the process of hiring a Tribal Planner and a Tribal Clerk.

The Band requests that Congress continue this relative level of funding, with a slight increase, for FY1994. We request an appropriation of \$450,000 in second year BIA New Tribes funding for Micmac for FY1994, an increase of \$71,000 above the budget request of \$379,000. The requested increase would enable the Band to finalize the development of new programs in the areas of vocational training, employment and education for our tribal members.

IHS New Tribes Funding. With regard to New Tribes funding in IHS, the Tribe would ask that Congress provide \$600,000 for FY1994, an increase above the level the Tribe received in FY1993, which was \$418,000. The FY1994 IHS budget proposal contained no request for New Tribes funding.

The Tribe currently uses IHS monies to provide a number of programs -- a contract health service program, community health service program, behavioral health program, and two Youth Prevention Workers. The Tribe would use the requested increase in our IHS new tribes funding for two primary purposes. The first would be to develop an environmental health program. This program would be designed with components in water quality assurance, sanitation facilities, asbestos removal, and lead paint identification and removal, among others.

In addition, the Tribe would use these additional funds to conduct a feasibility study with IHS concerning the development of a local medical facility to provide services. This study would primarily focus on the continued use of the medical facility located at Loring Air Force Base after the Base's closure in Fall, 1994. The continued use of this existing hospital facility could provide much-needed services to a number of tribes in the region, as well as lessen the negative impact which the Base closure will have on the surrounding communities. The Aroostook Band of Micmacs, as a self-governing unit whose people have an extreme need for housing, medical services and employment opportunities, is in an unique position to offer to work with others in the community to explore the possibility of keeping the hospital open so that it will continue to benefit local residents. A letter of support for the feasibility study from the executive director of the Loring Readjustment Committee is attached as Attachment A.

Housing Improvement Program. We have filed a housing inventory of tribal housing need with the BIA. As our inventory concluded, all existing housing units near Presque Isle where our Tribal Headquarters are located and where a majority of the adult members of the Aroostook Band of Micmacs live, are in substandard condition. Some 27 units need renovation (Category A units), and 14 units need to be replaced (Category B units). As this Subcommittee doubtlessly knows, Category A units are those which are in such bad shape that no amount of work can be done to make them meet BIA housing standards. People residing in Category A homes are entitled to one-time emergency assistance of \$2,500, theoretically to help them get by until permanent adequate housing becomes available. Category B units are homes which can be brought up to BIA standards. Residents of these homes are entitled to up to \$20,000 to bring the home up to code. There are 36 additional Micmac families who need housing. At this time, the Band requires a total of 50 additional housing units.

The HIP Program is very important to our Tribe, as it is to many others. We received our first HIP funds in January of this year, in the amount of \$43,000. These funds will assist six individuals with Category A housing, and two individuals whose homes are in Category B. However, currently the Tribe must subsidize our HIP program with funds from other tribal programs. Therefore, we would urge this Subcommittee to consider an increase of \$10 million for HIP above the FY1993 enacted level of \$20 million, rather than the net decrease of \$538,000 proposed in the budget request.

Indian Child Welfare Act Grants. In FY1993 the Band received an Indian Child Welfare Act grant of \$25,000 for our ICWA program. This amount is barely adequate to cover the salary and benefits of one caseworker. Therefore, the Tribe has had to subsidize this staff person's office space, telephone and other office expenses, and travel. The Tribe's ICWA grant does not even begin to meet the legal needs connected with this program, which includes intervening in state court cases.

The Micmac ICWA program provides services to individuals who are involved in child protective proceedings with the State Department of Human Services, and to tribal members whose children are otherwise in jeopardy. Micmac ICWA staff work closely with the Department of Human Services locally in all child protective cases involving tribal members, providing culturally-relevant information on Micmac traditions. The Project also represents the interests of Micmac children on local and state-wide boards, committees and councils which formulate or recommend policies affecting children. MICWA staff provide support and advocacy for Indian families and refer parents and children to the appropriate service provider for problems with alcohol and substance abuse, education, employment and/or training. MICWA staff have also been working with the Band Council to devise a comprehensive and culturally appropriate child abuse and neglect prevention project for our community.

Our caseworker currently has 60 open cases of children who are in jeopardy. The Tribe has intervened in at least eight child protective cases before state courts in the past year, one as far away as Nashua, NH, which is 400 miles from the Tribal Headquarters in Presque Isle. Given the fact that there are nearly 300 members of the Aroostook Band of Micmacs who are below 18 years of age -- out of a total population of 699 -- the funding level currently available to us is totally inadequate to protect the interests of our people. Therefore, the Aroostook Band urges this Subcommittee to support the increase of \$5 million for the Indian Child Welfare Act grants program proposed by the Administration for FY1994. We also wish to express that we are most reluctant to see funds from ICWA spent to cover the shortfall in other BIA programs.

We again wish to state our sincere thanks for Congress' support for the Aroostook Band of Micmacs. We appreciate this opportunity to present our requests to you regarding the FY1994 budget request.

STATEMENT OF THE BLACK MESA COMMUNITY SCHOOL OF THE NAVAJO RESERVATION

This statement is submitted on behalf of the Black Mesa Community School Board. The Black Mesa Community School is located in a small community located on top of Black Mesa, in a remote area of the north central part of the Navajo Nation in Arizona. The School serves 105 students in grades K through 8 under a "638" Self-Determination Contract with the BIA.

The issues we wish to comment on in the FY1994 budget request for BIA are Employee Housing, Student Transportation, Facilities Operation and Maintenance, and Facilities Improvement and Repair.

Education Construction - Employee Housing

Black Mesa Community School is located on a high mesa 16 miles from the nearest paved road. The School's remote location

makes it extremely difficult to recruit and retain qualified teachers in a setting which does not include adequate housing. Currently, the School employs 23 school professionals and support staff. The only available housing sites for school employees are mobile homes, which are in various stages of disrepair. Other teachers and staff must live with relatives in the area, or commute. The nearest town with a rental housing market is more than an hour away. But during snow and rainy seasons, our roads are impassable, so staff who do not live in the community cannot reach the School.

Currently, some staff are housed in four single trailers and three double trailers. These are not in the best condition, since they were moved in to the community some 20 years ago. Two other trailers would be available, but they are not hooked up to water and sewer lines yet. It has been almost two years now, and we are still waiting for the water and sewer systems to pass inspection. In addition, the cost of utilities, paid by the staff, for these trailers is very high. In the winter the double trailers cost between \$150 and \$170 per month to heat, yet these units generate only \$125 per month in rent.

Because the School is simply unable to attract teachers from outside our small, remote community without guaranteeing them some form of acceptable local housing, we request this Subcommittee to appropriate funds for the School to purchase new mobile trailers as a quick and affordable solution to meet the immediate housing need. The cost for one- and two-bedroom mobile homes, including site work, and utilities, begins at \$25,000 to \$35,000 each. We would ask the Subcommittee for funding to provide at least 8 to 10 new mobile homes to house our School staff in the near future.

Student Transportation and Roads

A second issue of importance to the Black Mesa Community School Board is Student Transportation. In addition to the fact that the road conditions in our community are very poor and have extensive mud and drainage problems yearly, our School's remote location causes us to spend a significant amount of our budget on transportation costs. Furthermore, for many of the 260 miles per day that our buses travel, transportation funding is currently not provided.

In Black Mesa's case, a good example of this is in the area of mileage to fueling and maintenance facilities. We have pumps for diesel-fueled buses located at the School, but to get gasoline for other school buses, we must go to fueling facilities 25 miles away. For maintenance and repair of our school buses, we have to go to Gallup, which is 150 miles away. For minor repairs, we go to 25 or 67 miles away, to Pinon or Chinle. Because of our location, food service trucks will not deliver supplies to our School. School employees must drive down from the mesa in order to get food, supplies and mail. Sometimes we use school buses for these purposes, or staff vehicles. These miles are not included in the mileage count for which we receive transportation funding. The situation is even more complicated because BIA prohibits us from being able to do our own minor bus servicing like oil changes and filter changes. When buses are taken into the shop (and the School has to pay to have them towed), we use a loaner bus, but the system is such that we pay for the lease of both the loaner bus and the bus that is in the shop.

This entire situation leads us to spend a great deal of our School resources on Student Transportation. In School Year 1990-'91 the amount the Black Mesa Community School received under Student Transportation was \$73,400. However, our total transportation expenditures for that year were \$92,000. The difference, or 20% of our total transportation budget, was made up

with funds from the Indian School Equalization Formula. This, of course, meant that our students were shortchanged in some other area of the School's educational program.

The remote location of Black Mesa Community School makes sufficient funding for Student Transportation a particularly important issue. While the President's budget request for FY1994 recommends an increase of \$3 million for Student Transportation, we would urge this Subcommittee to consider an even larger increase.

Due to the hazardous and unsafe conditions of the roads during winter and spring, we have had to close school or shorten the school day. In SY92-93, road conditions have already caused us to close school six days, and delay opening or dismiss early 42 days. Furthermore, our school buses are constantly breaking down because of muddy road conditions. The Black Mesa Community School has been waiting for 12 years to have the road to our school paved. We urge this Subcommittee to provide funding to have 25 miles of Road 8066 paved in order to provide safety for the children attending our school.

Facilities Operation and Maintenance

A third issue on which we would appreciate the Subcommittee's assistance is Facilities Operation and Maintenance. Black Mesa Community School's O&M need is in the area of site services. We need a piece of heavy equipment to clear snow and mud from the School grounds and make them accessible to school buses, cars and trucks, and foot traffic. Ideally, we need a 30 to 35 horsepower tractor equipped with a leveling blade or loader which would be able to remove snow from and grade our parking lot, the bus lot and the areas around the staff housing. Even a used one would be welcome. We also need a snow blower and welding equipment.

As this Subcommittee is aware, funds for Facilities Operation and Maintenance in FY1993 were some \$13 million less than was needed. While our O&M request may seem small, addressing this problem of site maintenance is crucial to ensuring our staff and students have safe access to the School.

Facilities Improvement and Repair

Finally, we wish to bring to the Subcommittee's attention Black Mesa Community School's need for additional classroom space. We have experienced a 24% increase in student enrollment between SY91-'92 and SY92-'93, and project the addition of 13 new students in the coming year. We do not have sufficient classroom space for our students in the lower grades, and have no facility in which to offer home studies and arts and crafts (woodworking) for the upper grades (6th, 7th and 8th) in our vocational education program. We are in immediate need of two additional classrooms and one building to house the home studies and arts and crafts classes for our middle school students.

We recognize that the backlog of facilities improvement and repair needs Bureau-wide is staggering, and easily would cost more than \$500 million to address on all reservations. Given this level of need overall, and our School's specific need, we would urge this Subcommittee to provide an increase in addition to the level of \$51.1 million requested by the Administration for the Education Construction - Facilities Improvement and Repair account.

Thank you for this chance to present the concerns of the Black Mesa Community School Board on the FY1994 budget request for BIA.

STATEMENT OF DONALD MOORE, SR., TRIBAL CHAIRMAN, BAD RIVER BAND OF LAKE SUPERIOR TRIBE OF CHIPPEWA INDIANS

Mr. Chairman, and Members of the Committee, my name is Donald Moore, Sr. and I am the Tribal Chairman of the Bad River Band of Lake Superior Chippewa Indians. On behalf of my membership, I would like to thank you for the opportunity to provide you with written testimony regarding the Bad River Band's Bureau of Indian Affairs and Indian Health Service fiscal year 1994 appropriations request.

I would first like to thank the Congress for restoring the Band's Fish and Game Management Program and the Band's Fish Hatchery Program to earlier funding levels during each of the past three years. I would also like to thank the Congress for recommending the maintenance of these specific budget restorations within the Bureau of Indian Affairs FY 1994 Base Budget.

These programs provide valuable natural resource management services to the reservation and adjacent areas. Since many tribal members rely upon natural resources for cultural, subsistence, employment, and economic purposes, the Band's natural resource management programs are necessary to maintain these important benefits without compromising the integrity of its limited natural resource base.

These programs also provide cooperative fisheries management, enhancement, monitoring, and conservation law enforcement services with the State of Wisconsin within the ceded-territory and treaty waters of western Lake Superior. The shared waters of western Lake Superior support a tribal commercial and home use fishery that provides employment and subsistence benefits to many members of the Bad River Band.

The Bad River Band would also like to support the increase of Circle of Flight Tribal Wetland and Waterfowl Initiative funding to \$895,300; the restoration of BIA Tribal Fish Hatchery Maintenance Funding at \$200,000; the restoration of BIA Tribal Fish Hatchery Rehabilitation funding at \$1,200,000; and the Native American Fish and Wildlife Society's Great Lakes Tribal Conservation Law Enforcement Training Initiative at \$94,000 within the 1994 BIA Base Budget.

The Bad River Band also supports and requests a \$75,000 earmark from the Indian Environmental General Assistance Program. Since the number of Band members who reside on or near the reservation continues to increase, the maintenance and restoration of existing natural resource management program funding is essential to preserve the ecological integrity of shared natural resources.

In addition to maintenance of the previously mentioned budget restorations, the Bad River Band is requesting a funding increase of \$1,110,000 ranked as follows: an increase of \$365,000 to expand the Band's natural resource management and enhancement capabilities; an increase of \$75,000 to fulfill the unmet higher education funding needs of eligible tribal students; an increase of \$350,000 to fulfill unmet health care needs and expand human services; and, \$320,000 for the purchase of alienated tribal wetlands.

As previously mentioned, the Band is requesting \$365,000 to expand its fisheries enhancement, wildlife management, and Lake Superior conservation law enforcement capabilities. These increased capabilities are necessary to address the ever increasing harvest demands that are placed upon shared

resources by tribal and non tribal users. Fish hatchery production shortfalls in excess of one million fish annually have recently been experienced in northern Wisconsin. The Band proposes to address this shortfall by developing its surplus walleye fry production capabilities into an extended growth walleye fingerling production program that will increase stocking activity within on and off reservation waters shared by tribal and non-tribal users.

The Band also needs to develop wildlife data collection capabilities to acquire baseline data on wildlife resources during the development of the Bad River Integrated Resource Management Plan. This plan will provide long-term strategies to manage on reservation natural resources and utilize them for subsistence, employment, and economic development. The Band must also supplement its Lake Superior conservation law enforcement capabilities to ensure the fulfillment of Lake Superior and on-reservation law enforcement responsibilities.

The Bad River Band is requesting a \$75,000 increase for its higher education grant program. Increased funding will allow the Band to fulfill its unmet higher education needs by providing financial support to all eligible tribal students.

The Bad River Band also requests increasing the Johnson O'Malley (JOM) Program to \$30 million annually. Increased JOM funding will maintain existing staff and services that support the needs of tribal students within public schools.

The Bad River Band is also requesting an increase of \$350,000 to fulfill the unmet health care needs of its Band members and to assist with the acquisition and development of additional Indian Child Welfare (ICW) staff positions. These funding increases and staff positions are needed to maintain existing levels of service for the growing number of Band members who reside on or near the reservation.

The Bad River Band has also requested \$320,000 for the purchase of alienated wetland areas within the reservation. The Kakagon/Bad River Sloughs area is listed in the National National Register of Natural Landmarks and is threatened by land-use conflicts and increased human activity. The purchase of alienated wetlands within this area will allow the Band to avoid costly jurisdictional conflicts and provide a higher degree of protection for this valuable wetland area.

In closing and on behalf of my membership, I would like to thank you once again for the opportunity to present our FY 1994 appropriations request. Furthermore, if existing funding levels for the Band's Fish and Game and Fish Hatchery Programs have not been maintained in the BIA Base Budget for 1994, restoration of these funds will become the Bad River Band's #1 priority for FY 1994 appropriations.

STATEMENT OF SHIPROCK ALTERNATIVE SCHOOLS, INC., NAVAJO NATION

Shiprock Alternative Schools, Inc., has successfully administered a 15-year P.L. 93-638 contract alternative program for 165 Native American high school students, and a 108-student elementary program. Most recently we completed our second year as a P.L. 100-297 Grant Program and are entering our third year as such.

We have three issues we would like to address in this testimony: New School Construction, the Solo Parent Program, and the Indian School Equalization Formula.

New School Construction

Shiprock Alternative Schools, Inc., (SASI) was ranked in the January 6, 1993, Education Facilities Construction Priority List. We are ranked number 12

overall, and are the highest ranked new school added to the FY1992 list under the most recent round of applications. For several years, the construction of a new school has been one of our highest priorities. We are extremely grateful for the support this Subcommittee and the Congress has provided in the past in increasing funding for New School Construction. The FY1992 enacted level was \$32.5 million, and the FY1993 level \$34.7 million. Accordingly, for FY1994 we request that Congress keep funding this activity at a level that would be adequate to provide for five new school starts per year.

Shiprock Alternative Schools, Inc., submitted an application requesting New School Construction priority ranking in order to build a new facility for alternative educational programs to serve Indian children and youth. The new facility would accommodate Grades Kindergarten through High School, including day care and vocational programs. Shiprock Alternative Schools was originally established as an innovative educational program to serve "at risk" Navajo, Ute Mountain Ute, Jicarilla Apache and White Mountain Apache high school youth with a history of attendance and academic problems. The school exists primarily to meet the needs of "at risk" Diné and other Native American youth who either have special academic needs, or who find it difficult to function as well in or to benefit from a conventional educational program. Shiprock Alternative's educational program is designed to address the specific needs and abilities of individual students.

Construction of a new school is necessary for two reasons. First of all, the buildings which SASI uses for administrative and classroom space were constructed over 40 years ago for use as dormitories. To convert the dorms to classrooms, non-supportive interior walls were be knocked out, resulting in small classrooms, which are inadequate and inappropriately designed for educational program use. Shiprock Alternative does not have cafeteria or gym facilities. Existing facilities do not meet minimum academic requirements for space, or current codes for fire, health and safety, access and egress, or handicapped accessibility.

Secondly, Shiprock Alternative has embarked on a grade expansion program, undertaken at the request of parents of Kindergarten and First Grade students, and endorsed by the Navajo Education Committee. Under this proposal, Grades 1 - 8 are being added, one grade level per year, until a full alternative Kindergarten through Grade 12 program, together with the necessary administrative and support services, as well as a counselor's room, science laboratory, library and media room, can be offered. The 1991-92 school year was the first to include First Grade, and the 1992-93 school year included our first Second Grade.

Like many other communities on the Navajo Reservation, Shiprock has a high percentage of its Indian population who are between the ages of one and 21 years of age. At Shiprock this percentage is 50%. We believe we owe these children an opportunity to receive an education in a safe facility which is conducive to learning and growing.

We realize that funding resources are such that it will be several years before construction may begin on a new facility for Shiprock Alternative Schools. However, we are unaware of another institution with a structure and goals similar to Shiprock Alternative. According, we urge this Subcommittee to recommend appropriations for FY1994 sufficient to fund New School Construction at a level that will provide for five new school starts per year.

Solo Parent Program

As you are certainly aware, for the past several years, the Solo Parent Program has only been operated at two schools in the BIA system: at Sherman and Flandreau. For FY1994 Shiprock Alternative Schools requests that this Subcommittee support an increase for the Solo Parent Program in order that our school might participate, rather than the decrease proposed in the budget request.

We believe that SASI is more than eligible to administer such a program, and that it would work very successfully at Shiprock Alternative. Student single parents would be encouraged to participate in one of Shiprock Alternative's most significant non-curriculum services, a family living course for teenage student parents which assists in development of parenting skills. The School also provides educational services for the young children of its students at the Child Development Center. The Child Development Center provides childcare and after-school educational programs for young children of teenage parents enrolled in Shiprock Alternative High School. The Center, located on the School campus, offers a culturally appropriate setting for Native American children.

We have developed a proposed budget for Shiprock Alternative to operate the Solo Parent Program, serving 10-12 student parents, 10-12 children of student parents, and 8-10 families from which these students come, for 11 months per year (see Attachment A). Based on this proposed budget, we would request an increase of \$200,000 for the Solo Parent Program for FY1994. This amount would include the hiring of a parent educator, an adult education teacher and an early childhood teacher, plus equipment and supplies. SASI would endorse and implement the programs Parents and Teacher (PAT), Parent and Child Education (PACE) and the High Scope activity learning curriculum as models. SASI staff would participate in Solo Parent training programs to insure proper and effective implementation. In offering the program, SASI would focus on single parents, expectant teen mothers and teen parents who are not permitted to complete their education in the local area high schools or who would be forced to drop out from school because of family problems. Additional areas to focus for recruiting families are: 1) families in which neither parent is literate; 2) families confronted with substance abuse; 3) families where proper care is not available to the children.

Beyond those parents being recommended from the internal campus social services referral system, SASI would conduct community awareness presentations, such as at Chapter House meetings. There will be an attempt to identify parents with the greatest need to be part of the program. Because Shiprock Alternative Schools, Inc., is located on a complex that also houses the Shiprock Branch of Navajo Community College, an additional benefit of conducting a Solo Parent Program at SASI would be that course work could be taken at NCC toward a Child Development Associate's Degree. Those parents will be given first preference to become teacher assistants at SASI when they have completed their Associate degree.

We believe we can open the door to many opportunities and show the way with planned assistance such as is offered by the Solo Parent Program. Therefore, we request an increase for Shiprock Alternative for FY1994 in the Solo Parent Program in the amount of \$200,000.

Indian School Equalization Formula

The funding crisis concerns are nationally well-known by tribal leaders and representatives via the congressionally-approved and supported BIA Reorganization Task Force effort. Through a Tribal Budget Reform resolution, the Task Force is also addressing national education shortfalls. Shiprock Alternative Schools, Inc., concurs with the testimony submitted by the Association of Navajo Community Controlled School Boards, of which SASI is a member, regarding the FY1994 funding level for the Indian School Equalization Formula (ISEF). The budget request proposes an increase of \$34.4 million over the FY1993 enacted level, for a total request of \$249.5 million. We request that this Subcommittee support an increase of \$43.8 million over the FY1993 enacted level, or \$258.9 million. We also support the idea of the development of a "needs-based" budget formula for the BIA school system, as elaborated on in ANCCSB's written testimony. We also note that a "needs-based" budget proposal has been proposed through the Budget Reform Subcommittee of the Joint Tribal/BIA/DOI Task Force on Reorganization through a Standard Assessment Methodology.

STATEMENT OF DR. FRANK DERBYSHIRE, DIRECTOR, EASTERN OIL SHALE RESEARCH

My testimony addresses the Department of Energy's non-nuclear research and development appropriations. I would like to present to the subcommittee considerations for supporting new directions for research and development of Eastern U.S. oil shale.

Oil shale is one America's most abundant energy resources. Research and development on oil shale has focused almost exclusively on providing petroleum substitutes. However, synthetic fuels are still much more expensive to produce than petroleum, and it will require a sustained period of high crude prices to alter this situation. At present, petroleum prices appear to be relatively stable and synthetic fuels are still a long-term prospect.

To develop oil shale, we must change our approach to development and optimize its value in today's economy. Where oil shale development has been successful, for example in Brazil, it produces major by-products, such as sulfur, gas and electricity, in addition to shale oil, which are marketed regionally. Oil shale is a strategic material that can economically *provide clean energy and raw materials for our industries.*

We propose to use Eastern U.S. oil shale and the KENTORT II retorting process in the manufacture of cement and bricks. The shale derived fuel will be used to power the process with part or all of the spent shale incorporated into the products. This approach represents a coherent development path that is market focused and overcomes many of the previous impediments to oil shale development.

KENTORT II Technology - Process and Environmental Advantages

The KENTORT II technology was developed through a cooperative program with the Commonwealth of Kentucky through the University of Kentucky Center for Applied Energy Research, and the U.S. Department of Energy. The process is operating on a scale to process 0.5 ton/day (500Kg) of oil shale. The technology is inherently flexible and produces a range of products.

Pollution control is achieved through atmospheric pressure multi-staged fluidized-beds for pyrolysis, gasification, and combustion. The process can operate on high sulfur feedstocks to produce elemental sulfur as a by-product, thus reducing pollution and enhancing the value of the product slate. Low levels of sulfur in the spent shale reduce the potential for acid mine drainage in landfills.

Fluidized bed pyrolysis reduces coking and cracking reactions and results in the highest possible oil yields at atmospheric pressure. Useable hydrogen-rich gas is produced by the process and can be used to upgrade the oils, synthesize alcohol, or be used as a fuel. This flexibility results in a product slate which can satisfy market demand. The fluidized bed gasification and combustion zones convert all of the carbon in the shale to energy or products. The technology can operate on the entire run-of-mine product and no shale is wasted. The unique chemistry of the shale oil allows the fabrication of high added-value product such as carbon fibers, asphalt, and asphaltic binders.

The Proposed Research

The project is a collaborative effort with industry. The KENTORT II retort will be integrated into the cement clinker or brick manufacturing process. Eastern oil shale will be used to produce shale oil and gas which will fire the kiln. Part or all of the spent shale will be incorporated into the cement clinker or bricks. Conventional fuels, such as oil and gas, will be partially replaced by oil shale, resulting in the use of an indigenous resource and energy conservation. Investment costs will be largely or fully offset by energy savings and the value of new products.

Our industrial collaborators, Kosmos Cement, New River Lime and General Shale Products, represent the fourth largest energy-consuming industrial sector in the US. Cement clinker manufacture alone consumes the energy equivalent of more than 90 million barrels of oil per

year, and almost 20% of our cement manufacturing capability lies on or near Eastern U.S. oil shale deposits. Between 30 and 50% of the price of brick, cement and lime is attributable to energy costs. The price of raw construction materials is critical to the costs of rebuilding our infrastructure. Because it is focused on a key industrial sector, the proposed development may have far reaching impacts.

The integrated approach that we advocate also solves many of the problems encountered in oil shale development efforts over the last decade:

The high cost of shale oil upgrading is overcome. The shale oil will be consumed on site as a substitute for higher cost fuels, eliminating the cost of shale oil upgrading. This is a critical cost savings. Only about 25% of the cost of oil shale plant is related to the retorting process; the remainder is primarily due to downstream hardware to produce upgraded oils.

Mining and environmental problems relating to spent shale disposal are surmounted. The spent shale will be either fully or partially incorporated into the plant products. There will be little or no spent shale for disposal, which will reduce the cost of mining. The use of kerogen-rich oil shale for the KENTORT process will simply displace the mining of another type of shale that has no heating value.

Significant technology transfer to industry. The ability to control sulfur is one of the strongest advantages of the KENTORT II technology where elemental sulfur is produced as a by-product. The emission of sulfur dioxide is an increasing concern in cement clinker and brick manufacture. This research would result in the transfer of emission control technology to industry.

The application and industrial scale up can be economically viable. A commercial-scale retort to interface with a brick or clinker plant will be in the range 50-500 tons/day. This level of scale-up involves a low level of engineering uncertainty and could be done cost effectively through integration with an existing process. Utilizing energy derived from oil shale will substantially reduce fuel costs. Eastern oil shale resources are located close to several major brick and cement plants. For example, two plants in Kentucky mine clay shales which directly overlie oil shale deposits.

There are industrial precedents. Two clinker plants are currently operating with oil shale as a source of fuel and clinker: one is operated by Ruhrbach, KG, in Germany and the second by Lafarge, in Michigan. Both use oil shales similar to those of the Eastern U.S.

The application will result in new products. Investigations on the use of Eastern oil shale to produce new and unique high-value products will be expanded. These products include carbon fibers and carbons for environmental protection which have been successfully synthesized in laboratory experiments. They have novel properties and potentially large markets. The feasibility of producing other materials, such as asphaltic cement and binders, has also been demonstrated. These are high added-value products whose market price exceeds the fuel value of the shale.

The proposed approach, which takes advantage of existing markets, will succeed in taking the first steps toward developing the vast indigenous Eastern oil shale resource, in an environmentally responsible way, without resorting to massive government subsidies. It will allow the development of an advanced oil shale technology within only 6 to 8 years.

The Strategic Importance of Eastern U.S. Oil Shale Development

The reasons for the development of America's indigenous energy sources has not changed. Since 1985, oil production in the U.S. has declined by 25% and has cost almost half a million jobs. This trend will continue through the 1990's; at the same time oil imports will continue to increase. Imports cost over \$50 billion per year and account for half of our trade deficit. We are also losing key elements in our energy infrastructure. Much of our refinery capacity has moved offshore. To counter the effects of these trends, it is in our national interest to

diversify our energy sources and to stabilize our supply base. We will be dependent upon fossil fuels well into the next century.

Funding Requirements

Eastern oil shale is an important resource to the Commonwealth of Kentucky and neighboring states. We are willing to demonstrate our belief in this project by substantial cost sharing. We propose a three and a half year program, in which our contribution will be \$1.6 million, a major portion of which is provided by our industrial collaborators. For fiscal year 1994 we request:

\$440,000 to develop the industrial application of Eastern U.S. oil shale and the KENTORT II technology.

The requested sum represents 49% of the total program cost for year 1. The remainder, \$450,000 or 51%, will be born by the Commonwealth of Kentucky and our industrial partners.

STATEMENT OF W. RON ALLEN, TRIBAL CHAIRMAN AND EXECUTIVE DIRECTOR OF THE JAMESTOWN S'KLALLAM TRIBE

TRIBAL-SPECIFIC APPROPRIATION PRIORITIES:

1. Continued Congressional support and advancement of the Self-Governance Demonstration Project through the designation of a stable Tribal base funding of \$1,928,810. This amount includes an inflationary factor utilizing the FY94 2.4% OMB GNP Deflator which equals \$45,207 plus the \$1,883,603 base for a total of \$1,928,810. This base includes the supplemental funding equal to the amounts received in FY92 per the FY93 Committee instructions, the FY93 negotiated sums adjusted for Congressional action, contract support, and inflationary adjustments;
2. Funding of \$600,000 for the purchase of land adjacent to our existing 2 acre reservation for expansion of the Tribal governmental offices that deliver social, cultural, economic, and governmental services to members from BIA Construction-Land Acquisitions;
3. Funding of \$100,000 for the development of a Tribal Fishery enhancement program in BIA Other Recurring Programs, Resources Development, Wildlife and Parks accounts;
4. Funding of \$150,000 to the Point-No-Point Treaty Council's Fishery Management Program to address the staffing and operational support needs added to BIA Other Recurring Programs, Natural Resources, Wildlife and Parks Budget Base; and
5. Funding of \$100,000 for the establishment of a shellfish harvest management and enforcement program to address tribal responsibilities (as part of the twenty Northwest Tribes' \$1.6 million shellfish request) added to BIA Other Recurring Programs, Natural Resources, Wildlife and Parks Budget Base.

SELF-GOVERNANCE DEMONSTRATION PROJECT:

Our Tribe is now into its third year of implementing the Self-Governance Demonstration Project. We remain enthusiastic about the Project's potential to become a model for future Federal-Indian Policy and have overcome many obstacles since the Project was first initiated in 1988. The support your Committee has provided the Project has been essential to its success, and the Tribe requests that this support continue through 1996 when the Demonstration is scheduled to end.

Stable base funding still remains a key unresolved condition in attaining the Project goals. The passing of Public Law 102-184 expanded the Project to thirty Tribes and added three more

years for implementation. In order for the participating Tribes to demonstrate success, however, it is imperative that consistent funding conditions exist.

a. The FY93 final negotiated Annual Funding Agreement level of \$1,883,603:

This is the level negotiated for the FY93 Agreement and the amount needed to maintain this base for future stability. With the additional Tribes participating, it is essential for the BIA to begin actively restructuring to release funds to allow these stable bases to be established. It is critical to instruct the Bureau to provide sufficient funds beyond the additional funds made available through Congress to meet both the implementation needs of existing Compact Tribes and those Tribes entering Self-Governance Compacts and Annual Funding Agreements in the future.

b. Funding adjustment for annual pay cost and inflation increases of \$45,207:

Tribes annually experience difficulties in meeting justified cost-of-living salary increases due to the in appropriate Bureau process by which the pay cost increases for Tribes are calculated. The BIA does not consider inflation costs for Tribes. Additionally, Congressional overall budget adjustment reductions are being applied further eroding Tribal program capabilities (.524%, 1.26% and .85% budget reductions in FY91, FY92 and FY93, respectively, have carried forward into FY94). The Tribe requests the Bureau be required to work with the Self-Governance Tribes in establishing fair annual adjustments for costs-of-living and inflation as a model for all Tribes. We also request that Congress direct the Interior Department to eliminate their budget policy of applying Congressional budget balancing adjustments to future Tribal budgets.

SELF-GOVERNANCE DEMONSTRATION PROJECT: NATIONAL CONSIDERATIONS

INTERIOR DEPARTMENT:

- **Office of Self Governance Staff Needs (\$220,000):** Increase Interior Department's Office of Self-Governance budget to establish an additional 3 FTE's for negotiations, financial, and budgetary functions to be able to adequately address the needs of all 30 participating Tribes negotiating Annual Funding Agreements for FY94.
- **COLA Adjustments:** Direct BIA to accurately assess and support Tribal Cost of Living Adjustments and begin to provide for inflation adjustments in program budgets.
- **Shortfall:** Direct the BIA to measurably reduce its use of shortfall funding as a shield and begin to organizationally reduce, restructure, and re-organize in recognition of Self Governance Demonstration Project realities.

INDIAN HEALTH SERVICE:

- **IHS Self-Governance Project:** Add \$2.3 million for IHS Self-Governance Planning for 30 planning, negotiation, and implementation grants for Tribes with Compacts of Self Governance due to management complexities and responsibilities associated with health care delivery. Instruct IHS to allow Support Costs to be applied to these funds.
- **Office of Self Governance:** Add \$500,000 for IHS Office of Self Governance in the Office of the IHS Director to effectively administer the Self Governance Demonstration Project in FY94.
- **Education/Communication:** Increase funding for the Lummi Self Governance Education and Communication Project by \$100,000 to accommodate additional activities related to IHS Self Governance and IHS constituencies.

ESTABLISHMENT OF TRIBAL LAND BASE:

\$600,000

Although our Tribe signed the Treaty of Point-No-Point in 1855, we didn't secure Federal recognition until 1981. Although an adequate homeland was committed in the Treaty, our current small acreage was secured solely by our own efforts.

The Tribe is requesting assistance from the Committee in purchasing a tract of land just over ten (10) acres adjacent to our existing reservation. This land is the only available site, contiguous to our current location, of sufficient size to meet our needs for facilities expansion. Tribally administered programs and services have steadily increased over the past ten years. These service demands will be further affected by the anticipated doubling of Tribal membership in the near future when new membership rules are approved by the BIA. These changes will lead inevitably to increases in staff and a need for the facilities to house them.

FISHERIES ENHANCEMENT PROGRAM

\$100,000

The Tribe has never been provided BIA funds to develop a fishery enhancement program. The Point-No-Point program was established for the other three tribes and does not address the main river utilized by the Jamestown membership. The Tribe is requesting fisheries enhancement funding to work cooperatively with the Washington Department of Fisheries to increase coho salmon production at the Dungeness Hatchery.

SHELLFISH MANAGEMENT AND ENHANCEMENT:

\$150,000

The Point No Point Treaty Council Tribes (PNPTC), which includes the Jamestown S'Klallam Tribe, actively exercise their shellfish rights to harvest a variety of clams and shellfish species within their usual and accustomed areas.

REGIONAL REQUESTS AND RECOMMENDATIONS:

Our Tribe fully supports the recommendations of the Northwest Indian Fisheries Commission and the Northwest Portland Area Indian Health Board. We also support the following requests:

- Increase of \$600,000 for the Northwest Inter-Tribal Court System.
- Provide \$313,000 for the Squaxin Island Indian Tribe's continued management of a Tribally-oriented Alcoholism Treatment Center to the FY93 level of \$909,210.

NATIONAL REQUESTS AND RECOMMENDATIONS:

We fully support the positions and recommendations of the National Congress of American Indians.

STATEMENT OF DAN TUCKER, CHAIRMAN, SYCUAN BAND OF MISSION INDIANS

BACKGROUND

The Sycuan Band of Mission Indians resides on a 640 acre reservation in Southeastern San Diego County near the city of El Cajon, California. Due to the reservation topography of brush-covered hillsides, only about half the reservation is suitable for development of any kind. This allotted acreage is beset with heirship difficulties further constraining development considerations. A small portion of this available property can support commercial development with the remainder reserved for future generations housing. Approximately ninety-three Tribal members live on the reservation.

A decade ago, the Sycuan Tribe was impoverished, our members lived in abject poverty utilizing dilapidated housing with health-threatening sanitation conditions. Through extremely hard efforts and the fortunate Supreme Court rulings on Indian gaming, we have built a prosperous gaming enterprise. With the profits, we built homes for our people, sent our youth to college, established a health clinic, created a public safety department with 24 hour patrol, developed a professional fire and ambulance service, and supported basic government services for our membership. In many ways, our Tribal government services equal, if not surpass, surrounding jurisdictions.

Our Tribal government has invested in our people and in our future. As a Tribal enterprise, we've paid our full share of taxes from generated income. We've built what we have by virtue of our own sweat and ingenuity. Our Tribe, like so many Tribes in California, receive minimal assistance from either the State or Federal governments as each expects the other to address Tribal infrastructure and development needs. Our requests and recommendations to this Committee focus on our efforts to strengthen our Tribal government operations and service capabilities, improve our infrastructure to meet current and future demands, and diversify our economy. Obviously, sole reliance on Indian gaming income is a risky gamble in establishing a sustainable Tribal economy.

TRIBAL RESERVATION-WIDE SEWER/WATER SYSTEM HIGHEST PRIORITY; TECHNICAL ASSISTANCE NEEDED FROM IHS FOR PLANNING

The reservation water and sewer systems are out-dated, patchwork facilities requiring comprehensive replacement in the immediate future to ensure healthy conditions, adhere to EPA standards, and provide for future commercial/residential expansion. The sewer system relies on septic tanks in sandy soil conditions which require multiple monthly pumpings

from tanks serving the enterprise and Tribal facilities to protect water quality. The water system relies on two major wells, aging storage tanks and distribution system providing high nitrate-content water requiring constant vigil and treatment. We request IHS Sanitation Facilities Division technical assistance to analyze our current situation and future demand projections, develop architectural/engineering plans to address our sanitation needs, and provide financing options.

TRIBAL WATER RIGHTS DETERMINATIONS NEEDED DUE TO ENCROACHING DEMANDS ON RESERVATION BORDERS

A decade ago, our reservation was virtually a rural, isolated enclave supporting small-scale agricultural activities. Today, the rapid commercial and residential growth around El Cajon has surrounded portions of our reservation creating high demand for groundwater, usurping Tribal traditional water sources. We request the Committee direct the Interior Department Office of Trust Protection and the BIA Trust Services Division assist us in quantifying and protecting our Tribal water rights against further degradation and source supply from further depletion.

FINANCIAL ASSISTANCE REQUESTED TO PURCHASE BORDERING PROPERTY FOR HOUSING AND ECONOMIC DIVERSIFICATION

Almost half of our original reservation is unsuitable for any development with the remaining acres either supporting the Tribal gaming enterprise or Tribal housing. As mentioned, the Tribe plans to diversify its economy as well as provide for future Tribal housing. We request Congressional support of \$1.2 million through BIA Construction-Land Acquisition to purchase property bordering the reservation for economic development unrelated to gaming and future Tribal housing.

TRIBAL WATER QUALITY PROBLEMS CONTINUE TO DEGENERATE; IHS TECHNICAL ASSISTANCE NEEDED TO ENSURE SAFE WATER SUPPLY

The Tribe has determined through periodic testing an increasing nitrate concentration in our Tribal water supply. Due to increasing Tribal and regional demands as well as poor soil conditions, water quality generally continues to decline requiring expanded monitoring and treatment. We request, either through the water/sewer system planning or separately, IHS assistance to analyze our water quality and determine appropriate measures to ensure safe, drinkable water for our future use.

HEALTH CLINIC BACK-UP GENERATOR NEEDED AS FACILITY DESIGNATED CATASTROPHIC HEALTH CARE FACILITY IN EVENT OF NATURAL DISASTER

We are proud that the San Diego County has designated our Tribal health clinic as a Catastrophic Health Care Facility in the case of a natural disaster in Southern California. Unfortunately, the honor and responsibilities does not include County or State support for the obviously necessary back-up generator in case normal electrical power sources are disrupted in the disaster. We estimate the need for a 120 kilowatt emergency generator system, estimated at \$36,000 installed, will be needed to provide necessary electricity for emergency treatment over an extended period. We request either Congressional assistance to purchase this generator system or a directive for IHS to assist in securing this system through either HHS or FEMA.

BIA ASSISTANCE NEEDED TO REPAIR RESERVATION ROAD SYSTEM

The reservation roadways, constructed several decades ago, are in serious need of repair and structural improvements due to usage deterioration and soil erosions. The BIA has not addressed our reservation roads in any significant way in decades. There is no sign that our road repair needs will be given due consideration in the foreseeable future. Therefore, we request a Congressional directive to BIA Construction, Road Maintenance to address our road repair and construction needs in FY 94 as part of the economic stimulus initiative.

TRIBE PLANS ENFORCEMENT/COURTS RETROCESSION; FUTURE ASSISTANCE NEEDED TO ESTABLISH A TRIBAL JUSTICE SYSTEM

Our Tribe is in the process of securing law enforcement and court retrocession from the State of California as neighboring County and responsible State Agencies continue their unacceptable patterns of neglect and disdain relative to our PL 280 status. As a Federally Recognized Tribal government, we plan to establish a comprehensive Tribal Justice System on our reservation by Fiscal Year 1995. We will be consulting with the BIA Public Safety and Justice staff this year in our planning stage.

CONGRESSIONAL ATTENTION AND SUPPORT FOR CALIFORNIA TRIBES IS NEEDED TO REDRESS A CENTURY OF BENIGN NEGLECT

California Tribes represent unique, complex circumstances and challenges in our development efforts. Any modern statistical analysis whether it be the 1990 Census, the Tribal/BIA Reorganization Task Force Recommendations, or current BIA and IHS Budgets document a disproportionate reduction in resources and services relative to population and needs for California Tribes. We have outlined several regional recommendations to begin to address this inequity by Congress and urge serious consideration in deliberations on the FY 94 budgets of the BIA and IHS.

In conclusion, I urge this Committee to give priority consideration in budget allocations to the strengthening of Tribal governments, the delivery of services directly to Indian people, and the development of Tribal infrastructures and economies. For Sycuan, self-determination, self-governance and self-sufficiency are achievable goals with Congressional assistance.

Summary of Sycuan Tribal Appropriations Priorities

1. Direct IHS Sanitation Facilities Division to provide Technical Expertise to Assist in the Planning, Architectural and Engineering Design of a Water and Sewer System for the Sycuan Reservation;
2. Direct BIA Non-Recurring Programs, Trust Services and the Interior Department Solicitor's Office Assist in Determining Our Water Rights;
3. Increase of \$1.2 Million to Purchase Bordering Property for Tribal Housing and Economic Diversification Not Associated with Gaming Added to BIA Construction, General Administration, Land Acquisition Account;
4. Direct IHS Sanitation Facilities Division to provide Technical Expertise to Improve Reservation Water Quality to Acceptable Standards;
5. Direct the IHS to Assist the Tribe Through the Hospitals and Clinics Accounts or FEMA to Acquire/Install a Generator for the Tribal Clinic as Our Facility is Designated as a Catastrophic Health Care Facility in Case of a Natural Disaster;
6. Direct BIA Construction, Community Development Construction to Assist the Tribe Repair Reservation Roads; and,
7. As a Pre-Notification to Congress and the BIA, Our Tribe is Planning to Secure Retrocession of Law Enforcement and Court P.L. 280 Status in FY 94 and Will Need Future Assistance in Establishing a Tribal Justice System.

Sycuan Tribal Concerns and Recommendations: Regional Level

- Increase BIA Sacramento Area Office Budget by \$20 Million with Instruction That Funds Are to Be Designated for Tribal Government Priorities and Only Five Percent of Total May Be Withheld for Federal Administration;
- Increase of \$7.6 Million in IHS Hospitals and Clinics to Construct a Southern California Youth Alcohol and Substance Abuse Treatment Center to Serve Thirty-Two Tribes as Authorized by P.L. 100-573.
- Increase or Earmark \$5 Million in IHS Hospitals and Clinics Account to Implement the California Contract Health Services Demonstration Project;
- Increase or Earmark \$400,000 Jointly in BIA/IHS to Implement the California Indian Advisory Council on Indian Policy Authorized by P.L. 102-416; and,
- Direct IHS to Conduct a Needs Assessment of California Tribal Health Care Services and Facilities Construction with Report to Congress by March 1, 1994.

Sycuan Tribal Appropriations Concerns and Recommendations: National Level

- Support Expansion of the BIA Indian Loan and Loan Guarantee Authority and Increase Funds for the BIA Community and Economic Development Grant Program;
- Increase Budget Support in BIA & IHS Providing Direct Assistance to Tribal Governments in Infrastructure Development/Operations; and,
- Support the FY 94 Budget Recommendations of the National Congress of American Indians and the National Indian Health Board.

STATEMENT OF GERALD J. JONES, TRIBAL CHAIR, PORT GAMBLE S'KLALLAM TRIBE

INTRODUCTION

Our Tribe is one of the few Tribes, nationwide, that is participating in the Self-Governance Demonstration Project. We feel that this is the way of the future for Tribal Governments in the United States. As I am sure you are aware, the Self-Governance Demonstration Project gives Tribes the opportunity to negotiate funds from the BIA into Compacts and Annual Funding Agreements and lets the Tribal government allocate those funds to best meet Tribal needs.

The Self-Governance Demonstration Project is a great experiment, one that can and is changing the face of Indian Country; but to make this experiment a success requires increased funding. Without adequate funding, the Congress is setting the Self-Governance Demonstration Project and all the Tribes that have accepted the challenge, up for failure.

JUSTIFICATION OF PORT GAMBLE S'KLALLAM TRIBAL PRIORITIES

1. Self-Governance Programmatic Shortfall, Start-Up and Implementation

In 1992, the first year of our compact with the Department of the Interior, we received \$180,000 of shortfall and implementation monies; monies that were used to augment the minimal amounts of funds to which we gained access for administering BIA programs internally by the Tribe. As a small Tribe with limited acreage, our negotiated formula share of already inadequate BIA accounts creates a very real need for supplemental funding to effectively implement Self-Governance.

In 1993, we took responsibility from the BIA for even more programs and received \$138,000 less in shortfall and implementation monies. In 1993, we have been allocated \$42,000 in shortfall funds. This does not make sense; we are doing much more work for much less money. This is 77% decrease in support funds!

Our number one request for funding from the Bureau of Indian Affairs is for adequate shortfall and implementation monies. We have a projected 1994 Tribal Self-Governance budget of \$806,335. We estimate that we will receive \$439,879 from the BIA in 1994 to provide direct services. However, to support truly viable programs at the Tribal level through Self-Governance, we will need \$366,456 in shortfall and implementation monies.

2. Law Enforcement

In addition to our Self-Governance shortfall request, we also have a specific BIA program request to meet immediate Law Enforcement needs. Our current Law Enforcement Services program is staffed by three full-time officers. With this staffing, we cannot maintain 24 hour police protection for the reservation. To meet our people's police protection needs, we have determined a Tribal need based budget of \$264,135. We currently receive \$164,135 from the BIA. This additional \$97,000 added to the BIA Law Enforcement budget base would address our police force needs by providing an additional officer, his equipment and training.

Our total request from the BIA is for \$463,456. This will enable us to provide adequate services directly to our Tribal members.

INDIAN HEALTH SERVICE

In the area of services funded by the U.S. Indian Health Service, we are seeking funding in four areas: Alcohol/Drug Treatment, our Tribal Health Clinic, Contract Support, and a tribal program in the Mental Health line item we call Youth Wilderness Challenge.

1. Alcohol/Drug Treatment

We are very deficient in funds to address alcohol and drug treatment. We currently receive \$40,000 from IHS to carry out this function. That amount covers the cost of one full-time counselor to address some of the current treatment we need to provide. We need additional funds to provide a part-time counselor to help with existing demand and to undertake prevention activities. We currently are able to address alcohol/drug problems only partially. The Tribe recently received an award for community involvement in alcohol/drug prevention activities from the Governor of the State of Washington. We need additional funds to focus our program more toward prevention activities. We need an additional \$90,300 from IHS to hire a part-time counselor and to support prevention activities for at risk community members. This would bring the Tribal alcohol and substance abuse budget to a total of \$130,300.

2. Tribal Health Clinic

We currently receive \$172,000 from IHS to support our Tribal Health Clinic. An additional \$86,000 is needed from IHS to support a doctor or nurse practitioner in our rural area. We also have supply and sub-contract operational costs that the Tribe will be forced to forego or pay from other undetermined sources. A total of \$258,000 is needed to support a viable, Tribally-managed Health Clinic.

3. Contract Support

One area that IHS consistently under-estimates and under-funds is the line item of Contract Support. This issue is ongoing and should be addressed up front in estimating service costs. We have indirect costs that are an integral part of providing services to the community. We currently receive \$19,000 from IHS to cover contract support. We need an additional \$78,000 from IHS to cover our administrative support costs. This would bring us to a total contract support amount of \$97,000.

4. Mental Health (Youth Wilderness Challenge)

Another small, but extremely important program for our Tribe is funded out of the IHS Mental Health line item. It is our Wilderness Challenge for Youth Program. This a self-esteem building program that challenges youth in a wilderness setting. It builds self-confidence, leadership and team building skills by having Tribal youth face outdoor adventure. It is also an extremely popular program on the reservation. IHS currently provides \$1,000 for this initiative. Our program cost is a most reasonable \$26,000 to expand program activities and youth involvement. We are requesting an additional \$25,000 from IHS for our Wilderness Challenge for Youth Program.

In conclusion, thank you for the opportunity to present testimony to this Subcommittee.

Summary of Port Gamble S'Klallam Tribal Priorities

- * Increase to \$366,456 our Self-Governance Programmatic Shortfall and Implementation from BIA/Interior funds;
- * Increase our BIA Law Enforcement allocation by \$97,000 added to the BIA Tribal Priority Allocations, Public Safety and Justice Budget Base;
- * Increase our IHS Alcohol/Drug Treatment allocation by \$90,300 added to Hospitals and Clinics Alcohol and Substance Abuse Account;

- Increase our Tribal Health Clinic allocation by \$86,000 added to Hospitals and Clinics Contract Base Budget;
- Increase our IHS Contract Support allocation by \$78,000 added to IHS Contract Support; and,
- Increase our IHS Mental Health (Youth Wilderness Challenge) allocation by \$25,000 added to IHS Hospitals and Clinics Mental Health Budget.

Summary of Port Gamble S'Klallam Priorities: Regional

- We support the Northwest Inter-Tribal Court System request for \$600,000 to be added to the BIA Tribal Priority Allocations, Public Safety and Justice Budget Base;
- We support the Point No Point Treaty Council request for \$550,000 for Shellfish Management/Enforcement and Fisheries Management to be added to BIA Other Recurring Programs, Resources Management, Wildlife and Parks Budget Base.

Summary of Port Gamble S'Klallam Priorities: National

- We request general support for the Self-Governance Demonstration Project and for adequate programmatic shortfall, start-up and implementation amounts to make possible direct services from Tribes to Tribal members. Since the BIA has consistently failed to reorganize, downsize and make funds available from its budget from those reorganization efficiencies, Tribal Shortfalls must come from additions to the BIA budget or from Interior budget sources. As well, the demonstration has shown that small Tribes with limited acreage negotiating a formula share of already deficient BIA accounts need consideration of an implementation base.
- Increase in IHS of \$2.3 million for Tribal Self-Governance Planning, Negotiation and Implementation Grants and \$500,000 for IHS Office of Self-Governance.

STATEMENT OF FRED DUBRAY, PRESIDENT, INTERTRIBAL BISON COOPERATIVE

I am Fred DuBray, Director of the Cheyenne River Sioux Tribe's Bison Enhancement Project, and President of the InterTribal Bison Cooperative (ITBC). I am grateful for the opportunity to testify to this Committee on behalf of the ITBC.

The 25 member tribes of the ITBC are appreciative of Congressional support in Fiscal Year 1992 and Fiscal Year 1993. However, continued and increased support is necessary to insure the success of these projects. Therefore, the ITBC, on behalf of its 25 member tribes, is requesting a Congressional appropriation of \$2.436 million in Fiscal Year 1994 for bison enhancement projects on tribal lands.

In 1991, a group of tribes from 13 states came together in a cooperative effort to restore and enhance bison herds on their respective reservations. Although each member tribe has their own unique set of spiritual and cultural values attached to the bison, all recognize the paramount importance of bison restoration, which will reestablish the symbiotic relationship between bison and native people. Furthermore, bison enhancement projects have come to encompass the full scope of efforts to restore balance to reservation ecosystems; socio-economic development, ecological restoration, and most importantly, cultural and spiritual revitalization.

The InterTribal Bison Cooperative has evolved into a non-profit 501 (c)(3) tribal organization dedicated to assisting tribes in the development of independent buffalo projects and fostering cooperation between tribes for their collective betterment. The organization represents 25 tribes from California, Colorado, Idaho, Maine, Montana, Nebraska, North Dakota, New Mexico, Oklahoma, South Dakota, Utah, Washington, Wisconsin, and Wyoming, (list attached) dedicated to economic development, cultural enhancement, ecological restoration, and spiritual revitalization utilizing buffalo.

In Fiscal Years 1992 and 1993, the ITBC operated as a project of the Native American Fish & Wildlife Society (Society), and Congress allocated \$100,000 per year to the ITBC National Office, through the Society. However, the 1993 appropriation language deferred to the 1992 language, which was unclear as to the amount specifically designated to the ITBC. Therefore, to clarify congressional intent, we request that all administrative appropriations intended to support bison restoration or related activities be directed to the ITBC National Office through specific appropriation language. Although the ITBC was previously functioning as a project of the

Native American Fish & Wildlife Society, The ITBC is now a fully functioning, independent organization.

The member tribes have organized the ITBC to demonstrate their commitment to the restoration of buffalo to their people, and to assist them in their individual development efforts. Each member tribe has developed a buffalo project tailored to the needs of their people, and has submitted a project proposal (summaries attached) detailing their funding needs to implement their projects. All of these projects will require additional funding to build self-sustaining buffalo programs.

The following tribes have requested the ITBC testify on their behalf for funding for their projects and for funding of the administration of the ITBC National Office;

<u>TRIBE</u>	<u>Request</u>
Northern Cheyenne Tribe, Lane Deer MT	86,000.00
Crow Creek Sioux Tribe, Ft. Thompson, SD	93,250.00
Ute Tribe, Ft. Duchesne, UT	90,776.00
Choctaw Nation of Oklahoma, Durant, OK	130,000.00
Southern Ute Tribe, Ignacio, CO	97,981.00
Picuris Pueblo, Pensico, NM	81,735.00
Round Valley Indian Community, Covelo, CA	63,250.00
Kalispel Tribe, Usk, WA	82,672.00
Yankton Sioux Tribe, Marty, SD	84,500.00
Oneida Tribe of Wisconsin, Oneida, WI	188,600.00
Devils Lake Sioux Tribe, Ft. Totten, ND	32,939.00
Cheyenne River Sioux Tribe, Eagle Butte, SD	262,480.00
Lower Brule Sioux Tribe, Lower Brule, SD	43,340.00
Blackfeet Tribe, Browning, MT	150,000.00
Standing Rock Sioux Tribe, Ft. Yates ND	125,000.00
Winnebago Tribe of Nebraska, Winnebago NE	52,718.00
Northern Arapaho Tribe, Riverton, WY	148,066.00
Gros Ventre and Assiniboine Tribes, Harlem, MT	299,075.00
Taos Pueblo, Taos, NM	47,700.00
Sisseton-Wahpeton Sioux, Agency Village, SD	99,990.00
Tribal Projects	\$2,260,072.00
<u>ITBC National Office</u>	<u>175,000.00</u>
TOTAL REQUEST	\$2,435,072.00

In addition to the individual tribal requests, the ITBC national office is in need of funding to support the collective projects involved in furthering tribal development. The ITBC is requesting \$175,000 in Congressional funding to support the activities and projects required for the cooperative development of tribal buffalo projects. These projects include the following;

- 1). developing a comprehensive education program, tied to the Tribal Community College system, to provide training in all aspects of buffalo production and management from an Indian perspective;
- 2). Providing direct technical assistance to tribes in the development and maintenance of their buffalo projects, including assistance in project planning and development, obtaining buffalo and buffalo equipment, and maintaining a technical library on buffalo-related publications;
- 3). Administering the ITBC National Office to foster and promote the collective and individual activities of the tribes. This includes the publishing and distribution of a quarterly newsletter providing information related to buffalo and Indian people;
- 4). Developing an intern program by which tribal buffalo managers can work at other tribes, national parks and refuges, and private buffalo operations to learn professional management techniques;
- 5). Developing and expanding cooperative efforts between the National Parks and National Wildlife Refuges and the tribes;

6). Fostering the initiation and development of cottage industries utilizing buffalo products and the traditional skills of tribal members;

Of the \$175,000, the ITBC is requesting \$50,000 in order to participate in the development of a strategy to resolve the Yellowstone National Park (Park) bison herd management problem, hinging on extensive participation by the ITBC tribes. Presently, tribal involvement is limited to obtaining meat from the bison which are killed as they leave the Park. The ITBC will become actively involved in developing a workable process by which surplus bison may be transferred to tribes, and will, in the interim, support members in participating in the harvesting of bison coming from the Park.

The ITBC is currently exploring the development a Native American Bison Refuge (Refuge). This Refuge will be a research facility for refining tribal bison and rangeland management techniques and an educational facility to inform the non-Indian public of the cultural ties between Indian people and bison. This facility will also provide access and support for tribal spiritual and cultural activities.

A great strength of the ITBC is the cooperative spirit of the member tribes. This cooperation has resulted in many mutual benefits such as, the sharing of skills and information, providing needed equipment, and trading buffalo to improve genetic diversity. The ITBC has developed exacting criteria to evaluate tribal projects, and based on the professionalism and unanimous consent of member tribes the BIA has accepted the ITBC's recommendations.

This cooperative spirit can work to reverse the decimation to native societies which resulted from the attempted extermination of the bison, which remains central force of their lives. The goal of the InterTribal Bison Cooperative is to restore the buffalo to Indian people, to break the dependence on non-Indian ways, and to strengthen the social, cultural, and economic bonds which bind the buffalo and the buffalo People.

The restoration of buffalo is of critical importance to Indian people, and it can provide the answers to the most pressing issues of reservation life today; economic impoverishment, ecological degradation, and cultural detachment.

Assisting in buffalo restoration, by the appropriation of the \$2.436 million needed to fund these projects is the first step in making reparation for taking the buffalo from the tribes.

We respectfully request you give your support to this important project. Thank you for your consideration.

STATEMENT OF CAROL STURTEVANT, PRESEQUE ISLE AUDUBON SOCIETY

I am Carolyn Sturtevant of the Presque Isle Audubon Society Adopt-A-Refuge Committee, a group of dedicated volunteers who are committed to the protection and continued operation of the Erie National Wildlife Refuge. We thank Congress for its continued support that has enabled the Fish and Wildlife Service to acquire land and staff the Erie National Wildlife Refuge since 1959.

Our goal for FY 1994 is to continue to obtain \$600,000 in appropriated operations funding and to request additional funding of \$100,000 to place exhibits in Erie's Visitor Center.

Erie National Wildlife Refuge is unique to Pennsylvania. It is the only refuge in Pennsylvania west of Philadelphia. Erie is located in the northwestern corner of the State in Guys Mills. This 8,750 acre refuge is well known for its biological diversity. The diverse habitats found on Erie attract 236 species of birds and provide nesting habitats for 112 bird species. Bald eagles nest at the refuge and migrating osprey visit in search of food; both birds are Federally listed endangered species. American bittern, Henslow's Sparrow, black tern and upland sandpiper, Pennsylvania threatened species, occur on the refuge. Bluebirds using refuge nesting boxes produced 168 nestlings in 1992. Waterfowl migrations occur from March to early April and again from September

to November. The peak migrating waterfowl population on any given day has been 2,500 ducks and 4,500 Canada geese. Wood ducks are the most prolific waterfowl nesters on the refuge with an annual production of around 428 hatchlings. Hooded mergansers, mallards, blue-winged teal and Canada geese are other common nesting waterfowl. Some 33 species of mammals are present on the refuge and fish abound in refuge waters. The wide diversity of refuge habitats provides homes for 37 species of amphibians and reptiles. Over 80 different species of wildflowers from 20 different families have been identified on three trails that are open to the public. Will these valuable resources of Erie National Wildlife Refuge be lost because of funding cuts? Our group, as well as many other Pennsylvanians, hopes not.

There are over 2,500 acres of wetlands on the refuge, 312 acres of which are manageable impoundments and moist soil units. Approximately 700 acres are managed as agricultural land providing a diverse habitat by keeping the land open instead of reverting to brush. Erie Refuge has 22 warm-season grass fields totalling 170 acres which provide nesting cover for waterfowl. Woodcock habitat management is currently a very successful major project. Decreased funding would result in deteriorating water control structures and dikes eventually losing impoundments and moist soil units. Agricultural land would become unproductive and revert to brush. Woodcock management and other wildlife management activities would cease.

Erie Refuge funding provides an important economic and cultural stimulus to a rural depressed economy. The refuge provides employment for 18 people. Funding for 9 of these positions enables economically and culturally disadvantaged youth to stay in high school or college. Work projects include habitat manipulation, facilities maintenance and repair, small construction projects, biological surveys and office procedures. Youth employed through Youth Conservation Corps, Student Conservation Association and the Stay-In-School program learn a variety of work skills and also develop an appreciation for natural resource management.

Educational activities of interpretation, environmental education and public information and outreach serve a very diverse public. In 1992, 92 teachers were trained in environmental education activities. Twenty-two additional classroom teachers were assisted with educational programs. These teachers used guidance and loan materials with approximately 4,300 students. Over 13,600 additional visitors of all ages participated in interpretive and environmental education programs. Teacher workshops, classroom assistance, and education programs help teachers and refuge visitors understand natural resource information and in turn multiply the benefits of the instruction because they pass the information on to students, other teachers and friends. Operations funding for Erie Refuge provides an opportunity for college students to serve as interns working on a variety of outdoor laboratory projects. Participation in these projects enables the interns to launch successful careers and make significant contributions to the scientific community and to the national economy. Can this country afford to lose this valuable educational resource to funding cuts? Our group believes we cannot!

Enjoying Erie Refuge outdoors is a popular pastime that brings 49,000 visitors (increasing every year) long distances and provides economic benefits to area communities. Yearly, visitors spend roughly \$464,000 in the area in hotel rooms, food, gasoline and other incidentals. Neighbors sharecrop, harvest timber and participate in other economic uses occurring on the refuge. Current funding enhances local employment and economic development by initiating small contracts for the repair or maintenance of existing facilities, and for the purchase of materials and services to operate the refuge.

More than \$2,595,000 has been expended since 1959 for refuge facilities and equipment. Refuge buildings and structures are well-kept attractive model facilities. Continued support for refuge funding is needed to maintain these facilities to the Fish

and Wildlife Service standard of excellence. One of the newer buildings is the headquarters/visitor center which was constructed in 1981. To date, no funding has been available to place exhibits in the visitor center. Visitors to the area have indicated that they feel adding exhibits to the visitor center should be a priority project at the refuge. Adding exhibits to the visitor center would provide the visitor with an understanding of refuge management activities and the role of the Fish and Wildlife Service in wildlife conservation. One can recognize the importance these exhibits would have in the educational and interpretive program of the refuge and our group respectfully asks that you consider appropriating funding of \$100,000 to design and construct such exhibits.

As you approach these critical budget discussions, we ask for your continued funding support for the operation of Erie National Wildlife Refuge so that capital expenditures made over the last 34 years will not go to waste. We also want to stress the importance of continuing funding at the level of \$600,000 so the refuge staff can continue the important wildlife and educational programs previously outlined. This level of operations funding in FY 94 and beyond is needed to maintain refuge facilities and programs at their current standard of excellence and to prevent the Fish and Wildlife Service from downsizing Erie Refuge to the status commonly called the "custodial level" of operations within the National Wildlife Refuge System.

We also encourage you to support increases in refuge operations and maintenance funding for the entire National Wildlife Refuge System. Current funding for refuges is inadequate to perform the basic management functions.

To summarize our request briefly, our group is asking for continuation of operations funding of \$600,000 and additional funding of \$100,000 to add exhibits to Erie's Visitor Center. I wish to extend my thanks and appreciation for the funding appropriated in previous years. Thank you for the opportunity to comment on this important request for Erie National Wildlife Refuge.

STATEMENT OF PEARL CAPOEMAN-BALLER, ACTING PRESIDENT, QUINAUT INDIAN NATION

TRIBAL SELF-GOVERNANCE: Empowerment for Tribes and Tribal Economies

I am Pearl Capoeman-Baller, Acting President of Quinault Indian Nation. I am glad to report that we are at the midpoint in our third year of implementation in the Self-Governance Demonstration Project. I would like to thank the members of this Committee for their continued support of this historic initiative. Through Self-Governance, we are just beginning to realize the true meaning of Self-Determination as our Tribal Council appropriates funds based on Tribal Priorities. For us, this has brought empowerment full circle---as we return to establishing our own priorities, making our own decisions, and realizing our own successes as well as our failures. Through this process, we can develop a responsible Tribal government and a viable and workable Tribal economy. We are currently standing at the crossroads in the Self-Governance Project. In order to advance this Project, stable base funding must be afforded to all Tribes that have demonstrated at least three consecutive years of funding under a Compact. This will not only solidify our government-to-government relationship, but it will insure stability for Tribes, and allow Tribes to plan for the future.

For the Office of Self-Governance, Department of Interior, we request three additional FTE's due to the increased number of Tribes entering Self-Governance, and particularly to assist with the financial and budgetary functions which now compare to that of an Area Office.

IHS Self-Governance: Moving on to Negotiations and Implementation

+ 2.9 Million IHS

+ \$2.3 Million: Planning/Negotiation/Implementation funds for up to 23 Tribes;

+ \$500,000: Office of Self-Governance-IHS Office of the Director;

+ \$100,000: Communication/Education Project

The Tribal Self-Governance Project was extended to IHS by P.L. 102-297. However, limited planning funds were established. IHS has shown receptiveness to providing information thus far, and it is our hope that this attitude will continue through the negotiation and implementation phases of IHS Self-Governance. However, we are still faced with the bureaucratic "self-preservation" philosophy, as Tribal needs continue to go unmet. Tribal Planning for IHS Self-Governance will be a much greater challenge than its BIA counterpart. No budget request was submitted by IHS for Self-Governance planning/ negotiation or implementation. We request the following in IHS appropriations:

◆ **+\$2.3 million for Self-Governance Tribes, \$100,000 per Tribe, for Planning/Negotiations/Implementation for FY 1994.** This increase is based on the fact that as many as 23 Tribes could be authorized to enter planning/negotiation for FY 1994.

◆ **+\$500,000 for IHS Office of Self-Governance, Office of the IHS Director.** Although the IHS was provided \$400,000 for an Office of Self-Governance in FY 1993, to date, they have only "detailed" existing personnel. We request operational funding for FY 94 and clear direction from Congress in support for the Project in IHS and expectation of the Agency to positively advance the Self-Governance principles within IHS.

◆ **IHS Self-Governance Communication/Education: +100,000.** We also request an additional \$100,000 to be allocated from IHS to the Lummi Communication/Education Project for Self-Governance Communication and Education activities for the IHS professionals, organizations, Tribal communities, and others. To date, there has been no commitment from the IHS regarding Education and Communication. This is essential to the success of the Project by dispelling false rumors, myths and purposeful misinformation, with facts.

Quinault Self-Governance, Administrative Facilities: +700,000 in BIA Construction as 10% Match

Our added responsibilities under Self-Governance management and additional staff have created a concomitant need for more office and archive space. Our modular facilities are deteriorated and our existing structures offer limited expansion and remodeling options. Unlike many Tribes, we have not used EDA or other funds to construct modern facilities and assuming use of BIA Agency-leased facilities is not feasible due to the distance and multi-Tribe Agency. We have recently completed architectural planning, layout and design. Total estimated cost is \$7 million for construction and furnishings. We ask for a \$700,000 add-on in BIA Construction to serve as a Federal match to Tribal funds and debt financing. Our inadequate facilities have hampered administration of programs and service-delivery to our people.

U.S. Forest Service and Quinault Indian Nation Sockeye Hatchery Interpretive Center: +175,000

The Quinault Indian Nation and the U.S. Forest Service have recently signed a Memorandum of Agreement for planning and design of a combination sockeye salmon hatchery and Olympic National Forest visitor interpretive center to be located on the shore of Lake Quinault. We are requesting \$175,000 in U.S. Forest Service appropriations to complete the necessary planning, engineering and design of a fish culture facility to improve production of the culturally-revered Quinault sockeye salmon run. The interpretive center will be jointly operated with the Forest Service and will provide a tourist attraction in this economically depressed area.

BIA OTHER RECURRING PROGRAMS, NATURAL RESOURCES ACCOUNT

◆ **Shellfish Management/Enhancement: +80,000** This program requires 2 FTE's to work with State and Federal agencies and determine the stock status of shellfish populations on the Nation's beaches and tidelands. This effort would identify data needs, prepare management options for consideration, and initiate and implement cooperative management plans. We are requesting \$80,000 for this program in conjunction with the twenty western Washington Tribes \$1.6 million shellfish management, enhancement and enforcement initiative.

◆ **Queets Supplementation - Wild Coho: +150,000** We request continued support of cooperative efforts to supplement natural production of wild coho in the Queets River system, including the juvenile coho trapping effort, which will be discontinued by the State of Washington in FY 1994, due to funding cuts. Wild coho from the Queets River, as a Pacific Ocean management stock, have restricted ocean salmon fisheries, both commercial and recreational, for more than 10 years. Through cooperative efforts, Washington State and the Quinault Indian Nation have made measurable progress in regeneration of these wild fish. One element of the program, a juvenile coho trapping effort, will be discontinued by the State in 1994. This fish trap captures migrating juvenile coho for monitoring production levels. The annual costs for operation of the trap are \$40,000. The total request is \$150,000.

U.S. Fish & Wildlife - Quinault National Fish Hatchery Facility:

+ \$1.1 Million Construction/Major Rehabilitation

+ \$156,500 Washington Coho & Chinook Tagging Project

The Quinault National Fish Hatchery, located on the Quinault Indian Reservation, is operated and maintained by the U.S. Fish and Wildlife Service. This facility contributes over \$7.4 million annually to Tribal, State and International commercial and sport fisheries. The Hatchery facility is over 20 years old and is in serious need of repair and major rehabilitation. We request \$1.1 million through the Fish and Wildlife Service, for major Pollution Abatement Rehabilitation, to bring the facility up to EPA standards; and for major repairs, equipment, roofing and construction of an addition for equipment and storage.

We request \$156,500 from the Fish and Wildlife Service for the Stock Identification Fall Chinook and Coho Tagging Project. The U.S. Pacific Salmon Commission selected Quinault stocks for this important tagging project, but provided no funding for it.

Bureau of Land Management - Real Estate Appraisals and Survey Work: +200,000

We request continued funding of the Cadastral Survey Project through the Bureau of Land Management at an annual cost of \$200,000. As you know, the Allotment Act, passed over a century ago, created a land management nightmare at Quinault. The cadastral surveys are providing us critical assistance in restoring order to our lands.

Due to space limitations by the Senate, we are unable to provide further narrative justification for the above-mentioned FWS or BIA/BLM issues. We would be pleased to provide further documentation on request from the Committee.

In conclusion, I appreciate the opportunity to provide testimony, and your consideration of my requests recommendations on behalf of the Quinault Indian.

SUMMARY OF QUINAULT NATION APPROPRIATIONS: Tribal Priorities

Department of Interior/Bureau of Indian Affairs

1. Renew FY 93 request to add \$700,000 to BIA Construction to serve as 10% match for construction and replacement of Quinault Nation Office Facilities.
2. Add \$80,000 for Quinault shellfish management/enhancement program.
3. Request \$175,000 for U.S. Forest Service for completion of planning, engineering and design of a fish culture facility/interpretive center to improve production of Quinault sockeye salmon run.
4. Request Queets Supplementation add-on of \$150,000 for continued natural production of wild coho.

Indian Health Service

- Add \$2.3 million/\$100,000 per Tribe, for Self-Governance Tribes IHS planning/negotiation grants.
- Additional \$100,000 for Self-Governance Communication/Education Project, currently administered by Lummi Nation, in conjunction with Quinault, Jamestown and Hoopa Tribes.
- Increase of \$500,000 for an Office of Self-Governance operation in the IHS Office of the Director.

Fish & Wildlife Service: Quinault National Fish Hatchery

- Add \$550,000 to U.S. Fish & Wildlife- earmarked for Quinault National Fish Hatchery, for major Pollution Abatement Rehabilitation. Renew FY 1993 request for Hatchery Building Rehabilitation, for \$550,000, for a total construction/rehabilitation request of \$1.1 million.
- Add \$156,500 to U.S. Fish & Wildlife-Quinault National Fish Hatchery for Stock Identification-Coastal Washington Fall Chinook and Coho Tagging Project and inflationary adjustments.

Bureau of Land Management

- Continue \$200,000 annual funding of Cadastral Survey Project on Quinault Indian Reservation, a BLM/BIA Cooperative project.

Quinault Indian Nation Requests and Recommendations: Regional Level

- Support the Requests and Recommendations of the Northwest Indian Fish Commission and the Northwest Portland Area Indian Health Board.

Quinault Indian Nation Requests and Recommendations: National Level

- Direct the BIA to begin restructuring, and that any cost savings realized should be placed in supplemental funds for distribution to Self-Governance Tribes.
- Increase of \$220,000 to the Interior Dept. Office of Self-Governance in the Office of the Secretary to add three FTE's and support costs for budget/finance functions as the number of Tribes and financial transactions now compare to an Area Office operation.
- Increase IHS Indirect Cost funding for FY 92, to Projected FY 94 shortfalls totaling \$53.2 million.

STATEMENT OF HENRY CAGEY, CHAIRMAN, LUMMI NATION

Lummi Nation Level: Prioritized Appropriations Requests

1. Provide the Lummi Nation stable base funding in FY94 by including the amounts agreed upon January 1993 for the FY93 Annual Funding Agreement. This amount is \$5,698,379 plus a cost of living adjustment for FY92 of 3.2 per cent to total \$5,880,727. This base budget includes the negotiated share of the BIA, indirect costs and implementation cost adjustments.
2. +\$700,000 increase for the negotiation and litigation of treaty reserved senior on-reservation and Nooksack River water rights added to BIA Non-Recurring Programs, Trust Services, Water Rights Negotiation/Litigation Budget. (The Lummi Nation did not negotiate any BIA Water Resource funds into its Self-Governance Annual Funding Agreement.)
3. +\$6.6 million increase to the BIA 1994 Federal Lands Highway general appropriations for the reconstruction of a now very dangerous and deteriorated on-reservation Lummi Shore Road.
4. +\$267,744 increase in BIA Education Other-(Tribal Design) account for the Lummi Indian Nation Education Department Development. This Department would give the Tribe direct, full and final control over the programs, curriculum, staffing, operational and development policies and funding available to support the Education of our children. (BIA Education monies are not part of the Self-Governance Demonstration Project.)
5. +\$6.6 million BIA Construction Education-New School Construction, for permanent educational facilities to adequately and safely house our Tribal students. Currently, 200 Tribal students attend the school in temporary facilities designed to accommodate 120 students as a temporary measure.
6. +\$100,000 in IHS-Facilities Construction for the Planning, Development and Architectural/ Engineering studies to

- Construct the Lummi Indian Nation "LIFE CENTER" to create a positive community family-based center.
- 7. +\$132,000 in BIA Construction/Public Safety/Law Enforcement, for the Construction of the Lummi Indian Nation Tribal Judicial Facility. This facility would house the Judges Chambers, Court Administration, Prosecution, Probation, and Defenders Departments.
- 8. +\$80,000 in IHS to purchase two Ambulance/Emergency Vehicles to serve the rural Reservation population added to IHS Hospitals and Clinics Emergency Service Account.
- 9. +\$80,000 for Lummi Fire Department Equipment and Standards Up-Grade needs added to BIA Public Safety and Justice, Community Fire Protection Account.

Summary of Lummi Nation Requests and Recommendations: Regional Level

- * Support the requests and recommendations of the Northwest Indian Fish Commission, the Northwest Portland Area Indian Health Board, and the Affiliated Tribes of Northwest Indians.

Summary of Lummi Nation Request and Recommendations: National Level

- * Support the recommendations of the National Congress of American Indians and the National Indian Health Board.
- * Increase of \$2.3 million to IHS Office of the Director for thirty planning, negotiation and implementation grants of \$100,000 for Tribes with Compacts of Self-Governance due to management complexities and responsibilities associated with health care service delivery.
- * Increase of \$500,000 for IHS Office of Self-Governance in Office of IHS Director to effectively administer the Self-Governance Demonstration Project in FY94.
- * Increase of \$100,000 to augment the Lummi Communications and Education Project capabilities to inform Tribal governments, IHS Central/Area Office staff, and Indian health-associated organizations about the Self-Governance Demonstration Project.
- * Direct the BIA to measurably reduce its use of shortfall funding as shield and begin to organizationally reduce, restructure and re-organize in recognition of Self-Governance Demonstration Project realities.

Implementation of the Tribal Self-Governance Demonstration Project

The Lummi Nation has been integrally involved with the implementation of the Self-Governance Demonstration Project since its inception in FY88 by this Subcommittee. We are entering our third implementation year under a Compact of Self-Governance with the Interior Department. We have encountered and overcome many obstacles in this historic process. Although we envisioned that this Project would allow our Tribal government to experiment with innovative, locally relevant approaches to efficiently and effectively provide services to our people, we still find ourselves entangled in the bureaucratic system with its established administrative mechanisms and processes. Another year has past and very little has changed.

The Lummi Nation requests the opportunity to become as independent of the bureaucratic system as is feasible over the next two years. Experimentation and innovation can only be achieved with a stable base budget. We request that Congress designate the Lummi Nation's FY93 Annual Funding Agreement as agreed upon in January of 1993 plus a cost of living adjustment as the Tribe's base budget. The BIA needs to reorganize and restructure in recognition of Self-Governance realities and be forced to stop using shortfall monies as a shield against change. This Project was implemented to create tribal stability; not to maintain the unyielding bureaucracy of the BIA.

Treaty Water Rights Negotiations and Litigation: +\$700,000

The Lummi Nation treaty-reserved senior water rights and fishing rights are being impaired in conflicts both on-reservation and in the Nooksack Basin. Three (3) litigative actions have been initiated around the Reservation for non-Indian water permits and other non-Indian groups have petitioned the State to file in State court for adjudication of Reservation as well as the Nooksack Basin waters.

The Nooksack River water quality is deteriorating, water quantity is depleting creating stress and loss of the anadromous salmon resource. The State has over-appropriated the river waters, rapid commercial/residential development is increasing the water demand, and substantial illegal agricultural withdrawals exacerbate this conflict. The State, claiming jurisdiction over Reservation waters on fee lands, has allocated major quantities of Tribal groundwater to non-Indians who use it at no cost, which has forced Lummi Nation to import water at high cost from Nooksack River sources, further stressing fisheries resources. Salt water intrusion into reservation groundwater due to three decades of State mismanagement has spread to new areas in the past year, polluting nearby tribal supply wells. Tribal domestic, municipal and economic development is being compromised by a water shortage. Three litigative actions have been initiated and negotiations have begun between local, State and Tribal governments. The Lummi Nation requests either an earmark or increase of \$700,000 in BIA Non-Recurring Programs, Trust Services, Water Rights Negotiation/Litigation to protect our treaty reserved senior water rights.

Lummi Shore Road Deterioration Creates Hazardous Conditions: +\$6.6 million

The Lummi Shore Road, a primary traffic arterial around our reservation peninsula, is crumbling onto the adjacent shores of Puget Sound. Sections of this important traffic route have disintegrated to the degree that public safety is jeopardized. As the Lummi Nation did not negotiate Roads in our Self-Governance Compact, we request \$6.6 million be added to the BIA 1994 Federal Lands Highway general appropriations for the reconstruction of Lummi Shore Road. Adjacent Whatcom County, provided responsibility decades ago to maintain and repair this important roadway, has neither the resources nor inclination to assist us.

Development of the Lummi Nation Department of Education: + \$267,744

Since 1988, the Lummi Nation has been dedicated to the development of a Comprehensive Education Plan as specifically referenced in the Tribal Department of Education authorization; P.L. 100-297. We want to insure that all education programs of the Lummi Nation provide a community/family-centered curriculum that incorporates the Lummi Culture; an education that actively involves elders, and the Community. That plan has now been completed and ready for implementation. The Lummi Nation now provides a comprehensive education through a headstart program, Tribal School

(K-8), Middle College High School, and the Northwest Community College. A Tribal Education Department will provide for a positive and effective control by the Tribal government of all aspects of Indian Education. We are requesting \$267,744 to be added to the BIA Education Other - Tribal Design account for the Development of a Tribal Education Department.

Lummi Students Need a Permanent Tribal Education Complex: +\$6.6 million

There are 200 Tribal students now attending school at a tribal temporary facility that was designed to accommodate 120 Students. We will have at least 40 students next year at the high school level without a facility. This situation has escalated from an emergency problem to a crisis situation through the in-action of the Bureau to address the need for permanent facilities. Since 1989, our Tribal Student enrollment has increased by 66 percent from 120 to 310 with a projected future enrollment of 850 in 1999. We, therefore, request, \$6.6 million in BIA Construction Education - New School Construction for permanent facilities.

Lummi LIFE Center Planning to Design a Tribally Sensitive Community Facility: +\$100,000

The Lummi Nation is concerned that uncontrolled growth in the community, the prevalence of dysfunctional persons and family systems, and the dissipation of Tribal traditions and values will create long-term negative consequences due to cumulative effect on our Tribe. As a preventative counter-measure, the Tribe requests one-time funding of \$100,000 to coordinate the development of the LIFE CENTER strategy and plan for the future positive integration of government, community, and family.

Lummi Nation Court Facilities Inadequate: +\$132,000

A February 1993 Independent Assessment of the Lummi Tribal Court System concluded: "The Lummi Tribal Court System has very inadequate facilities...There isn't adequate space for parties/advocates in even the simplest cases...there are no private chambers for the judge to review cases, meet with attorneys, or otherwise conduct business." Over the past 5 years, there has been a 60 percent increase in Court Caseloads. These increased caseloads and overcrowded dockets have resulted from the broader jurisdiction asserted by the Lummi Nation over our land, people and resources. The Lummi Nation requests \$132,000 be added to the BIA Construction - Public Safety -Law Enforcement account for the Construction of a Tribal Judicial Facility.

Immediate Need for Emergency Vehicles to Respond to Rural Reservation Life-Threatening Situations: +\$80,000

The Lummi Reservation is located in a rural environment approximately 15 miles from the closest hospital facilities in Bellingham, Washington. The Tribal government has no emergency response capabilities and currently relies on ambulance service from Bellingham, which doubles the mileage and time needed to respond to a crisis. In life and death situations, this time/distance factor has proven fatal. We request a one-time appropriation in \$80,000 from IIS Emergency Medical Services to purchase and equip two emergency response vehicles for the Lummi Reservation population.

Lummi Fire Department Needs Equipment and Operational Support to Community Needs: +\$80,000

The Lummi Gooseberry Point volunteer fire department serves eighty percent of the reservation Indian and non-Indian population with dangerously out-dated equipment. The department depends principally on local donations providing approximately \$30,000 annually. The Nation estimates \$400,000 is needed to up-grade fire-fighting equipment to modern standards of safety and preparedness. We request an \$80,000 increase in FY94 in BIA Public Safety and Justice, Community Fire Protection Account.

Tribal Government Stability Through Predictable and Adequate Financial Support Should Be the Highest Priority of Congress

Tribal governments appeal to Congress each year for financial support to provide basic services and initiate economic development. In recent years, the Federal bureaucracy has shown zeal and tenacity in its insatiable consumption of financial resources. These Agencies have become formidable obstacles to change and progress with their entrenched preservation of past purposes and protection of employee tenure. Tribes are ready and capable of managing their own affairs. We urge Congress to recognize that the time has come for the Federal bureaucracies to reorganize for the future of Indian Country into serving a supportive role for Tribal government operations and development. Congress should change these Agencies purposes by decisively shifting financial resources to Tribal government operations.

In conclusion, I appreciate your consideration of the FY94 requests and recommendations of appropriations for the BIA and IIS on behalf of the Lummi Indian Nation. Thank you.

STATEMENT OF BILL FRANK, JR., CHAIRMAN, NORTHWEST INDIAN FISHERIES COMMISSION

Mr. Chairman, I am Bill Frank, Jr., Chairman of the Northwest Indian Fisheries Commission. I want to thank you for the opportunity to present written testimony to you and the Subcommittee on our needs for Fiscal Year 1994. On behalf of our organization and our member tribes, we support the following funding requests:

- o To restore both tribal/Commission base program budgets and nationally important support programs and to incorporate such restorations into the Bureau of Indian Affairs annual budget,
- o To seek a base budget adjustment of \$75,000 per tribe/organization (\$1,650,000) within the western Washington Fisheries line item of the Bureau of Indian Affairs, and to establish a means to incorporate additional annual contract adjustments into the base contract amounts,

- o To seek new funding of \$500,000 for additional tribes and to cover expanded responsibilities under the Timber-Fish-Wildlife Program,
- o To seek new funding of \$1,600,000 for shellfish management,
- o To appropriate fifth quarter funding for both the U.S.-Canada Salmon Treaty as well as our Fisheries Management Contract within the Western Washington Fisheries line item as the NWIFC converts from the fiscal year to a calendar year budget. This is expected to be \$497,892 and \$272,783, respectively.

INTRODUCTION

Over 15 years ago, the now famous U.S. v. Washington case was finally decided by the federal court system. This decision, respecting the treaty rights of our member tribes, propelled major changes in fisheries management in the Pacific Northwest.

We now find ourselves at another turning point in natural resource management in the Pacific Northwest. We have made great strides in institutionalizing tribal management. We have developed great professional capabilities and policy respect. But the management needs are many and the financial costs are high. New demands are upon us with habitat protection, endangered species issues, and on quality hatchery production. Our world is simply more complex than it has been in the past, and the debates of our region seem to fall more squarely than ever before in the natural resources arena of the Pacific Northwest. We need your help.

RESTORE TRIBAL BASE PROGRAM BUDGETS AND INCORPORATE INTO BASE

Over the past decade, the tribes in the Pacific Northwest have seen the Bureau of Indian Affairs consistently reduce our add-on Congressional funding, even though most of our program enhancements have been driven by treaty rights litigation, negotiations, or out of court settlements. What is more frustrating is that a huge percentage of tribal fisheries program funds are directly contracted to the tribes, so the failure by the Bureau is tantamount to a slap in the face of our self-determination efforts.

This year we were very surprised to learn that the Bureau had actually incorporated many of our programs into the budget for the first time, distancing itself from the past efforts as noted above. Nevertheless, we must call to your attention the need for Congress to actually approve of the budget as presented by the Bureau and as modified by our comments.

We have seen the Bureau refuse to acknowledge its federal obligation to the tribes for off-reservation treaty fishery rights, and the need for important habitat protection measures which would ensure healthy fish populations. Specifically, I speak of the Timber-Fish-Wildlife (TFW) base program that has been in operation in the Pacific Northwest for the past five years. Every year the Bureau reneges on its obligations to the tribes, insisting that the state of Washington has the sole obligation for rectifying past habitat problems. We disagree, as the Bureau has a trust obligation to the tribes for off-reservation habitat protection which has been affirmed by the high courts of this land. **Just to maintain our base program, and bring into the process two additional tribes, we need \$2,100,000.** We will describe the TFW process in more detail in a later section, where we identify the need for additional monies associated with watershed protection and restoration.

The Bureau has also failed to request \$750,000 to the tribes for our very important water resource planning efforts through the Chelan Water Resource Process. This approach is just plain inconsistent with the trust obligation to the tribes and clearly contrary to the Department of Interior and Justice policies to seek amicable resolution of difficult water issues.

The Bureau has also never seen the need to request either hatchery rehabilitation and maintenance and hatchery cyclical maintenance funds, despite the clear recognition and will of Congress to provide these monies to maintain the existing physical hatchery infrastructure. **To meet basic needs, \$1,400,000 is needed for hatchery rehabilitation and maintenance and \$200,000 is needed for cyclical maintenance.**

SEEK STABILIZING BASE BUDGET ADJUSTMENTS AND INCORPORATE ADJUSTMENTS INTO BASE

The tribes of the NWIFC are facing a financial crunch within their management programs. Tribal programs need to have stable, base level funding in order to maintain their preeminence in resource management. Because of these shortfalls, tribal programs are in serious jeopardy at falling behind due to inflation problems.

The cost of living procedures used by the Bureau for tribal contracts is intermittent and inadequate. Many times when cost of living adjustments (COLA) are provided in one fiscal year, they are subsequently stripped in the following year. This has exacerbated already difficult personnel problems and has caused a steady erosion of program services. Tribes believe this is very unfair.

Improvements appear to be occurring in the new Tribal Budget System (TBS), but fisheries programs are not, as of yet, included appropriately on this system. Unless the tribal fishery programs are included as tribal priority allocations, contract pay adjustments do not occur. We argue that pay adjustments should occur for any recurring tribal contract, regardless of its TBS status. Furthering the wage problems is the lack of funding for merit adjustments. When one combines the above problems, the outcome is obvious. The tribes are unable to compete for and retain employees for management positions.

The third component of the funding shortfall is the absence of an inflation factor into the contracts. Our tribes have not received an adjustment to base contracts since FY-1984. This has caused major disruptions to programs and discontinuation of services.

When tribal programs are analyzed, it is quite apparent that all tribal services are being severely impacted by inflation and other factors. The tribes believe that this issue must be addressed if we can continue our governance and co-management responsibilities. It is for this reason we are proposing a one time adjustment of \$75,000 for each of our tribes and organizations. This amount, coupled with future changes to the pay adjustments through the TBS, will help the tribes meet the demands on their programs.

TIMBER-FISH-WILDLIFE (TFW) INITIATIVE

For the past four years the 24 tribes and tribal organizations in Washington State have participated in the Timber/Fish/Wildlife (TFW) Agreement, a cooperative resource management process to address forest practices on state and private lands. Unfortunately, funding has not increased since program inception. To adequately continue to participate in this cooperative process, the tribes are, as mentioned earlier, requesting \$2.1 million in base funding (which includes funds for the Chehalis and Shoalwater Bay Tribes). Additional resources of \$400,000 are also necessary to assure that the tribes' will be able to participate in watershed restoration work following Clinton forest conference. The tribes are also seeking recognition of our role in the TFW process by incorporating these funds into their base programs.

The tribes have struggled for many years for recognition by the federal government of their sovereignty and treaty rights enabling them to address forest practices. The Bureau of Indian Affairs continues to deny that it has responsibility to support the tribes through this issue. The Bureau should be directed to recognize off reservation habitat protection efforts as their trust responsibility to the tribes.

SHELLFISH MANAGEMENT INITIATIVE

For centuries, members of Puget Sound and Coastal treaty tribes have harvested shellfish for their commercial, ceremonial and subsistence needs.

Pacific Northwest Tribes signed treaties with the United States in the mid-1850's, which included guaranteed tribal rights to gather shellfish. As settlement of the region increased, so did conflicts.

The conflict escalated in the early 1980's when the state of Washington began enforcing state law on tribal members exercising their rights to harvest shellfish. This approach, coupled with a loss of shellfish beaches due to pollution and land alienation, has forced the tribes to litigate.

Tribes need financial support to establish basic shellfish management capabilities (harvest management, enforcement and enhancement to both prepare for future shellfish management and harvest activities as well as implement established tribal/state agreements.

Each tribe has prepared appropriations justification relative to their unique geographic and management circumstances for an aggregate total of \$1.6 million. Since shellfish management infrastructure development is a new initiative in preparation for the future, Congress should consider this request as addressing a basic long-term need requiring funds be added to the Bureau of Indian Affairs' budget base.

FIFTH QUARTER FUNDING

The NWIFC is seeking to convert our Fisheries Management and Pacific Salmon Interception Treaty contracts from a fiscal year to a calendar year basis. The Subcommittee needs to make available \$272,783 for our Fisheries Management Contract and \$497,892 for our Pacific Salmon Interception Treaty Contract.

CONCLUSION

We appreciate the Subcommittee for its continued support of the tribes and the NWIFC as we implement our co-management responsibilities. It takes funding resources to make our management system work, but the return on our efforts are many. Tribal communities depend on fisheries for their cultural, social and economic livelihood. Because of our tribal management capabilities, in large part supported by this Subcommittee, we are seeing some progress in protecting and restoring our fish runs. Because of this, our communities are healthier than they have been in the past. And while we still have a long way to go to be healthy, we are making progress. Thank you.

STATEMENT OF THE NORTHERN FOREST ALLIANCE

Mr. Chairman, thank you for the opportunity to testify on behalf of **20 members of the Northern Forest Alliance** representing over **600,000** citizens. Our testimony concerns the need for continued and strengthened efforts to protect the Great Northern Forest.

The Great Northern Forest is extraordinary and irreplaceable. The largest remaining wildland in the Northeast, the Northern Forest spans 26 million acres across northern Maine, New Hampshire, Vermont and New York. This vast forest, and its great rivers and undeveloped lakes, is home to moose, osprey, bear, loon and more than 250 other animal species. The land - most of which is privately owned but open to fishermen, canoeists, hikers, hunters and all who value the outdoors - has sustained a forest based economy and way of life for centuries.

Today, change clouds the future of the Great Northern Forest. The U.S. Congress recognized the threat to the future of the region when it authorized the U.S. Forest Service to undertake the Northern Forest Lands Study in 1988. As expressed in the Joint Explanatory Statement of the Committee of Conference, "Changes in forest land ownership in northern New England and New York are leading to increased subdivisions, development of large tracts of lands, and a loss of traditional economic and recreational uses of these lands ... Unless prompt action is taken, there may be an irreparable loss of these forest resources." We can no longer take for granted the jobs, timber, wildlife, public access, clean air and clean water that the Great Northern Forest has provided for so long.

Protection of the Great Northern Forest through economic incentives for private land owners, land use control, and public acquisition of selected parcels is critical for the future integrity of this region. Three important federal initiatives can be of tremendous value to this effort.

Protection of "Jewels" of the Northern Forest - \$14.25 million

There is an urgent need for the protection of several key "Jewels" of the Great Northern Forest that are currently on the market and threatened with development and subdivision. Loss of these irreplaceable wildlands will bring irreparable loss to the natural heritage, recreational opportunities and ecological integrity of the region.

The priority projects listed below are currently on the market by willing sellers and are in need of immediate protection. These parcels represent only a fraction of the lands at risk in the Northern Forest, and emphasize the need for a continued commitment to land protection in this area of outstanding natural heritage and ecological importance.

1994 Priority Projects

New York

- Follensby Pond is one of the largest undeveloped privately owned lakes in the Adirondacks. This 14,400 acre tract lies along the popular Raquette River canoe route between Long Lake and Tupper Lake. Permanent protection of this area will ensure public access and enjoyment of irreplaceable resources.

Acres: 14,000

Cost: \$5.5 million

Vermont

- The 5,400 acre Big Jay property is a spectacular tract of undeveloped mountainous forest land. The property includes the summits of Big Jay - the highest undeveloped peak in private ownership in Vermont and a unique glacial cirque. It also contains 1.3 miles of Vermont's famous Long Trail, one mile of the Catamount Trail, and provides valuable habitat for bear, moose, beaver and deer. Protection of this tract will provide a magnificent recreational and wildlife corridor along the northern crest of the Green Mountains.

Acres: 5,400

Cost: \$800,000

Maine

- The Katahdin Iron Works lands encompass 70,000 acres that are bisected by the Appalachian Trail and adjacent to scenic Gulf Hagas, a registered national natural landmark. 32,000 acres of this region are currently on the market presenting a immediate opportunity for protection of an area of immense public value including miles of undeveloped river shore and lakefront, remote ponds, mountains and forests.

Acres: 32,000

Cost: \$8 million

A commitment from Congress would represent an important step towards protection of the vast resources of the Great Northern Forest.

Total Acres: 51,400

Total Cost: \$14.25 million

Additional Protection Needs:

- The Lyons Falls Pulp and Paper Lands in New York include 15,000 acres of pristine forest on the headwaters of the Salmon River in the Tug Hill Region and 5,000 acres on the headwaters of the Moose River in the Adirondacks.
- The Morgan/White/Bird Properties on Lake George in New York include 1,000 acres with the last significant stretch of undisturbed private shoreline on Lake George.
- The Heurich Estate on the New York shore of Lake Champlain includes 2,200 acres of mountainous, forested and undeveloped shoreline.
- The Whitney Estate in New York is comprised of 50,000 forested acres and scores of undisturbed lakes, including the largest undeveloped lake in private ownership.
- Large Corporate Holdings located in Vermont's Northeast Kingdom encompass approximately 250,000 acres of remote and undeveloped forest land which provide important wildlife habitat, timber resources and recreational opportunities.
- The James River Corporation owns and manages vast areas of forest land in northern New Hampshire's Coos County encompassing more than 180,000 acres. These lands include much of the scenic Mahoosuc Range which provides valuable wildlife habitat, important recreational resources, and areas adjacent to the White Mountain National Forest.
- The Hearst Corporations Machias Lands in Maine include 27,000 pristine acres which encompass the Machias River, Little Mopang Stream and Old Stream.

The Forest Legacy Program - \$25 million

Congress authorized the Forest Legacy Program in the 1990 Farm Bill as an innovative approach to the conservation of private forest lands in the Northern Forest. Through conservation easements or full fee acquisition, the program provides an opportunity for the federal government to work in partnership with states and private land owners to permanently protect private forest land threatened with subdivision and conversion. Forest Legacy is an important example of how strengthening the region's timber economy and protecting the environment go hand in hand.

The four Northern Forest States of Maine, New Hampshire, Vermont and New York have participated in the pilot phase of the Forest Legacy Program. In addition, an increasing number of states in other regions including Massachusetts, Rhode Island, Connecticut, Washington, Ohio, Indiana, Illinois, Minnesota, Wisconsin, Maryland, Delaware and New Jersey have expressed interest in joining the program.

Interest in the program from landowners throughout the Northern Forest and surrounding states far exceeds available funding. Eligible lands include large contiguous tracts of productive timber land, extensive corporate holdings, important wildlife habitat, river corridors and pristine mountain lakes.

In Vermont, spectacular Cow Mountain Pond in the town of Granby has been protected and 2,272 acres of forested ridge line in the Worcester mountains is in line to be

the next project. In New Hampshire, purchase of conservation easements on the 6,000 acre Stratford Bog adjacent to Nash Stream forest is nearing completion. New York has potential Legacy projects in the Tug Hill area, the Adirondack Park, Sterling Forest situated in the New York/New Jersey Highlands, and on the pristine Battenkill River. In the Rangely Lakes area of Maine, 1,260 acres of outstanding land near Mooselookmeguntic Lake will be an important Legacy project.

To continue this valuable program for protection of forest resources in the Northern Forest and to enable it to expand to fulfill needs in surrounding states, we respectfully request an appropriation of \$25 million for Fiscal year 1994. Much work on the federal and state levels has gone into creating and promoting this innovative program. Since its inception, the need for protection of private forest lands has only increased.

The Northern Forest Lands Council - \$1.27 million

We support continued funding for the work of the Northern Forest Lands Council. Established by Congress three years ago, the Council is nearing completion of its research program and is in the process of forming recommendations regarding the future of the Great Northern Forest. The Council continues to provide a valuable forum to bring together diverse interests as a basis for constructive discussion by all those who care about the future of the region. We support the Council's requested budget of \$1.27 million for fiscal year 1994.

Thank you for this opportunity to speak for protection of the Great Northern Forest.

STATEMENT OF CARLA J. ELOFSON, CHAIRPERSON, LOWER ELWHA S'KLALLAM TRIBE

BACKGROUND

The Lower Elwha S'Klallam Tribe is currently experiencing a historically significant period in its development. Last year, Congress passed P.L. 102-495, the "Elwha River Ecosystem and Fisheries Restoration Act of 1992" which requires multiple Interior Department Agencies to complete studies and submit a report to Congress by 1994 on alternatives to restore the Elwha River and its fisheries, including possible removal of the Elwha and Glines Canyon Dams. The law also authorizes funding for Tribal land acquisition and economic development. In November 1992, the Tribe negotiated a Compact of Self-Governance and Annual Funding Agreement with the BIA which was implemented on March 1, 1993. A Tribal Gaming Compact was successfully negotiated with Washington State in December, 1992. Our Tribal capabilities to effectively manage these major developments and adequately prepare for the future will be a critical determinant of our future progress.

ELWHA RIVER RESTORATION STUDIES AND FEDERAL POLICY RECOMMENDATIONS TO BE DEVELOPED IN FY94; TRIBE REQUESTS \$378,000

TO ENSURE SUBSTANTIVE INVOLVEMENT IN ANALYSIS AND POLICY

The future of the Lower Elwha S'Klallam Tribe, our economy and quality of life for generations, revolves around the Elwha River restoration and implementation of P.L. 102-495. In previous years, Congress has supported our technical and policy involvement in the FERC re-licensing proceedings on the Elwha and Glines Canyon Dams, built in 1910 and 1927 respectively to generate hydro-electric power for private saw mill operations. These dams virtually shut off the legendary salmon regeneration, with the exception of four miles of the Elwha River to its mouth.

Diverse parties with varying interests on the Olympic Peninsula and in Washington State came to basic agreement last year in P.L. 102-495 that the magnificent Elwha River should be restored. Four Interior Department Agencies are scheduled for involvement in the mandated studies and analysis including the National Park Service, the Fish and Wildlife Service, the Bureau of Indian Affairs and the Bureau of Reclamation coordinated by the National Park Service. An Interior Department report, entitled: "FY 94 Budget Needs for the Department of the Interior Pursuant to P.L. 102-495" is available for Committee reference which documents the activities, justifications and associated costs by the Agencies and the Tribe to complete the studies and prepare for restoration alternatives.

In summary, the report outlines the following needs for \$2,892,400:

- | | |
|---|-------------|
| 1. National Park Service | \$436,900 |
| Project coordinator, support, vehicle, office space, equipment, travel, report preparation, public interpretation and education, documentation of historic/ cultural resources. | |
| 2. National Park Service | \$205,000 |
| Fish and Wildlife Service | \$185,000 |
| Planning and studies to complete fish restoration plan to be included in the Report to Congress | |
| 3. Bureau of Indian Affairs/Elwha S'Klallam Tribe | \$1,082,000 |
| Fish facilities to Implement Fish Restoration (See Summary of Needs in next section of testimony narrative) | |

4. National Park Service	\$180,000
Bureau of Reclamation	\$ 50,000
Baseline studies to monitor success of restoration efforts	
5. Bureau of Indian Affairs/Elwha S'Klallam Tribe	\$375,000
Sediment analyses including field sample collection and material physical analysis and topographic survey	
6. Bureau of Indian Affairs/Elwha S'Klallam Tribe	\$378,500

Support for the Elwha S'Klallam Tribe for biologic, anthropologic, economic, land use, and legal staff, coordination with Federal and State Agencies, private interest groups, and local governments, travel, supplies and equipment. As the report states: "More than any other participant, the Tribe has the most to gain and the most to lose in the restoration process." Hopefully, Congress will support our continued involvement.

TRIBAL FISH HATCHERY CONSTRUCTION/RENOVATION ESSENTIAL TO ELWHA RIVER FISH RESTORATION; \$1,082,000

Restoration of the Elwha River fisheries, regardless of whether the dams are removed, is a fundamental goal of P.L. 102-495. The Tribal fish hatchery is the only facility on the Elwha River which can raise fish from egg to smolt and offers the most logical, cost-effective means to begin restoration on depressed, indigenous species in the river system. Structural changes to the hatchery will be required to develop the broodstock(adults) necessary for effective restoration.

SELF-GOVERNANCE START-UP AND IMPLEMENTATION COSTS REQUESTED FOR IMPROVED TRIBAL MANAGEMENT CAPABILITIES: \$335,000

The Self-Governance Demonstration Project is proving that Tribes with small populations and limited acreage need additional support in their budget base to effectively administer programs and provide services. The negotiation formulas utilize population and acreage to divide BIA programs which are already inadequately funded. The BIA unwillingness to restructure/reorganize means an increased Agency demand for shortfall funds which reduces the monies available for start-up and implementation. As a seven-twelfths share of the supplemental monies this year for start-up and implementation, we will receive approximately \$26,000. Once again, the BIA reaches into Tribal program dollars to preserve itself.

We request Congressional support for facilities renovations, telephone and computer equipment improvements, and Project implementation costs. Basically, our Tribal facilities is sorely in need of renovation, our phone system cannot handle current demand, and an integrated computer system is needed to ensure financial and administrative management efficiencies. We request: **START-UP COSTS-ONE TIME: \$272,700**

IMPLEMENTATION COSTS \$65,000

The Tribe requests support for a Self-Governance coordinator to implement the Demonstration Project at the Tribal level, complete necessary documentation required by the Project, and represent the Tribe in regional/national Self-Governance forums.

FEASIBILITY/PLANNING STUDY NEEDED TO DESIGN TRIBAL COMPREHENSIVE MEDICAL SERVICES FACILITY: \$90,000

IHS SUPPORT FOR CURRENT CLINIC OPERATIONS INADEQUATE TO COVER TRUE OPERATIONAL COSTS; NEED \$64,200 INCREASE TO 638 CONTRACT

TRIBAL LAW ENFORCEMENT EXPANSION NEEDED TO EFFECTIVELY MAINTAIN JUSTICE AND PROTECT TRIBAL RESOURCES: \$200,000

TRIBAL COURT INCREASED RESPONSIBILITIES AND PLANNED TRIBAL OPERATION REQUIRES ADDITIONAL FUNDING \$22,000

CHEMICAL DEPENDENCY AND MENTAL HEALTH SERVICES BUDGETS INADEQUATE TO EFFECTIVELY RESPOND TO NEEDS: \$60,500

IN CONCLUSION, we urge priority attention by Congress to stable Tribal government operations and adequate appropriations for direct service delivery to our people. Hopefully, support for our Tribal involvement in restoring the Elwha River ecosystem and fisheries will create meaningful, sustaining economic opportunities and return our Treaty-protected resources to benefit future Elwha S'Klallam generations.

Summary of Lower Elwha S'Klallam Tribal Appropriations Priorities

1. Increase of \$378,500 to Continue Participation in Elwha River Restoration Project as Authorized by P.L. 102-495 Added to BIA Non-Recurring Programs, Trust Services, Water Rights Negotiation and Litigation Program Budget;
2. Increase of \$1.082 Million for Elwha River Hatchery Construction and Renovations to Revitalize Fisheries Added to BIA Construction, Resources Management Construction Account;
3. Increase of \$337,700 for Self-Governance Start-Up and Implementation Costs Either Earmarked or Added to BIA Non-Recurring Programs, Tribal Government, Self-Governance Supplemental Funds Budget;
4. Increase of \$64,200 for Tribal Clinic Operations to Cover True Service Costs Added to IHS Hospitals and Clinics, Self-Determination Services Budget Base;
5. Increase or Earmark of \$90,000 for Feasibility and Planning Study to Design a Comprehensive Tribal Medical Care Facility on Reservation Added to IHS Hospitals and Clinics Account;

6. Increase of \$200,000 for Tribal Law Enforcement Needs Added to BIA Tribal Priority Allocations, Public Safety and Justice, Law Enforcement Budget Base;
7. Increase of \$22,000 for Tribal Court Operations Added to BIA Tribal Priority Allocations, Public Safety and Justice, Tribal Courts Budget Base;
8. Increase of \$45,500 for Chemical Dependency Program Added to IHS Hospitals and Clinics, Alcoholism and Substance Abuse Budget Base; and,
9. Increase of \$15,000 to establish Full Time Mental Health Counseling Services for Indian Service Population Added to IHS Hospitals and Clinics, Mental Health Services Budget Base.

Lower Elwha S'Klallam Tribal Recommendations: Regional Level

- * Increase of \$375,000 in BIA for River Sediment Analysis Required for P.L. 102-495 Added to BIA Non-Recurring Programs, Trust Services, Water Rights Negotiation and Litigation Account;
- * Increase in National Park Service budget for Project Coordination of P.L. 102-495 Implementation (\$436,900), Fish Restoration Planning (\$205,000), and Baseline Studies (\$180,000);
- * Increase in Fish and Wildlife Service Budget of \$185,000 for Fish Restoration Studies Required by P.L. 102-495;
- * Increase of \$150,000 to the Point No Point Treaty Council's Fisheries Management Program;
- * Increase of \$400,000 for Point No Point Treaty Council's Shellfish Management, Enhancement and Enforcement;
- * Increase of \$600,000 for the Northwest Inter-Tribal Court System Operations;
- * Support the FY 94 Appropriations Requests and Recommendations of Northwest Indian Fish Commission for the BIA and Fish and Wildlife Service; Northwest Portland Area Indian Health Board on the IHS Budget; The Affiliated Tribes of Northwest Indians on the BIA & IHS Budgets.

Lower Elwha S'Klallam Tribes Recommendations: National Level

- * Increase of \$220,000 for Interior Department's Office of Self-Governance to Add Three FTE's for Negotiations, Financial and Budgetary Functions to Adequately Serve the Needs of Thirty Participating Tribes and Improve Project Administration;
- * Increase of \$2 Million for BIA Self-Governance Supplemental Funds and Direct BIA to Restructure/Reorganize and Reduce Reliance on Shortfall Funds to Avoid Change;
- * Direct BIA to Accurately Assess and Support Tribal Cost of Living Adjustments and Begin to Provide for Inflation in Tribal Budgets;
- * Increase of \$2.3 Million in IHS Office of the Director for Tribal Self-Governance Planning, Negotiation, and Implementation;
- * Increase of \$500,000 for IHS Office of Self-Governance in Office of IHS Director and Direct IHS to Establish Permanent Operations Versus Current Detailed Personnel; and,
- * Support the Requests and Recommendations of the National Congress of American Indians and National Indian Health Board Relative to BIA and IHS FY 94 Budgets.

STATEMENT OF DUANE SHERMAN, SR., VICE PRESIDENT, HOOPA ALLEY TRIBE OF CALIFORNIA

Summary of Hoopa Tribal Appropriations Priorities

1. Maintain "fixed base budgets" for Self-Governance Tribes.
2. Provide \$200,000 to develop a Hoopa Law Enforcement Plan.
3. Address Hoopa Forestry Program and Forest Development needs.
4. Direct the Bureau of Land Management to survey disputed lands on the south boundary of the Hoopa Reservation.

Hoopa Tribal Concerns and Recommendations: Regional Level

- * Provide \$400,000 for implementation of the California Indian Advisory Council on Indian Policy.
- * Increase BIA Sacramento Area funding by \$20 million.

Hoopa Tribal Concerns and Recommendations: National Level

- * Support \$1.0 million for the Interior Office of Self-Governance and maintain shortfall/implementation funds.
- * Support \$2.9 million for the IHS Self-Governance Project.
- * Retain Federal Tort Claims Act coverage for Tribes with Self-Determination Contracts and Compacts of Self-Governance.
- * Support the FY94 Appropriation Requests and Recommendations of the National Congress of American Indian Health Board.

BACKGROUND

The Hoopa Valley Indian Reservation, at 90,000 acres, the largest in the State, is located in Northwestern California. The Hoopa Tribal Government operates California's only tribal court, law enforcement program, ambulance program and enforces the State's only Tribal Children's Code. Our Tribe is also one of the first to have entered into a Compact of Self-Governance with the United States.

Prior to 1988 and the passage of the Hoopa-Yurok Settlement Act and P.L. 100-472 Title III Self-Governance Demonstration Project, the Hoopa Reservation was mired in constant litigation involving the ownership and management of trust assets on our Reservation. Today, under Tribal Self-Governance, our Reservation fosters an environment for development and problem solving and our Tribe is participating in many national and State-wide issues. Because of our

progress in recent years, despite having the lowest BIA Area Office budget, our Tribal Forestry Program has produced in 1991 the second highest returns on the sale of Tribal trust timber in the Nation, second only to the Portland Area Office. Mr. Chairman, you may also remember that we came before you a few years ago to request funds to re-open our local hospital. Today, I can report that, utilizing the concept of Tribal Self-Governance, we are now implementing a plan to establish a community health service center which will expand existing services to our people and the local community. This is being achieved within the existing funds that we receive from the IHS. The primary factor that has resulted in these success stories is that program design, planning, development and implementation was done by the Tribe at the local level.

We have also been working to bring the BIA road construction program into the our Self-Governance Project. We have, however, experienced continuous BIA bureaucratic obstacles in this effort. Our negotiations of the past two years to determine the Hoopa share of the Road Construction Program were completed last July. The Hoopa Tribe agreed to finance the start up costs for engineering and design of selected road projects until our Annual Funding Agreement was amended. Today, after eight months of jumping through bureaucratic hoops and not yet having a signed agreement, we have spent over \$150,000 of Tribal funds on negotiations, project engineering and design.

NARRATIVE FOR FUNDING REQUESTS

1. Maintain a "fixed base budget" for Self-Governance Tribes. For the first time on our Reservation, our Tribe is making decisions regarding resource management, setting funding levels and program priorities, developing short and long term service and management goals, and has established various internal checks and balances that ensure accountability throughout the operations of our Government. We are encouraged by the work of the Tribal Reorganization Task Force and have experienced how the Self-Governance Project can improve U.S./Tribal relations and benefit Indian people through improved service delivery systems. However, tribes will not realize funding increases to their budgets from BIA reorganization until after these efforts are implemented.

2. Provide \$200,000 to develop a Hoopa Law Enforcement Plan. Our Reservation is experiencing a crisis in the area of Law Enforcement. We have been informed by the Humboldt County Sheriff's Office that, by this July, further state/county budget reductions will result in the closure of the Reservation substation and removal of law enforcement personnel. Over the past 5 years, our Tribe has invited BIA law enforcement officials to our Reservation to discuss these problems. However, because of our P.L. 83-280 status, the BIA does not operate a law enforcement program in California. Each time we have requested assistance, the BIA has repeatedly told us that no funds are available unless appropriated by Congress for our Reservation. In 1980, our Tribe established a law enforcement program with Tribal resources and in 1986 we contracted the BIA fisheries law enforcement program of \$94,000. The programs of the Tribe and BIA combined do not provide sufficient law enforcement personnel or services to compensate for the closure of the County law enforcement substation.

We request that \$200,000 be appropriated in FY 1994 to develop a Hoopa Reservation law Enforcement Plan and to assist in stabilizing our law enforcement program.

3. Address Hoopa Forestry Program and Forest Development Needs. Prior to, and continuing after Tribal assumption of the BIA Forestry Program, the BIA on numerous occasions identified serious short falls in the budget and staffing at Hoopa. From the time that we assumed the Program, we have subsidized the Forestry budget with Tribal and Timber Sale Administrative Fees to ensure its continuation of the Program. However, due to continuing increases in the cost of managing the Program, the Tribe is now facing the exhaustion of its Administration Fees. Because of previous BIA limited funding and staff, the 1977 Forest Development Plan, which determined the level of timber stand improvement backlog, remains seriously behind schedule. A 1991 updated 10-year Forest Development Plan identified the need for \$800,000 per year to bring the backlog to current levels. Therefore, we request that the committee provide \$800,000 for FY94 Forest Development and direct the BIA to work with the Tribe to bring the backlog current.

4. Direct the Bureau of Land Management to survey disputed lands on the south boundary of the Hoopa Reservation. In 1876, approximately twelve square miles of land was set aside by Presidential Executive Order for the Hoopa Valley Indian Reservation. However, because approximately 2700 acres were left out of the original boundary survey, a zig-zag boundary line exists on the Reservation's south boundary. Over the years, we have raised concerns and filed disputes over management practices within this area by the U.S. Forest Service. The Forest Service's response is that until ownership of the land is returned to the Tribe it will be managed under the same practices as other public lands. Our Tribe has approached our Congressional Representatives with a proposal to introduce such legislation during this session of Congress. In preparation for this legislation, we request that the Committee direct the Bureau of Land Management to conduct a cadastral survey of the 2700 acres that will be included in the legislation.

Hoopa Tribal Concerns and Recommendations: Regional and National Levels

California Advisory Council on Indian Policy and Increase BIA Sacramento Area funding by \$20 million. As you may know, California is an area where years of inconsistent applications of Federal Indian Policy have created tremendous problems. California tribes have collectively requested support to study and recommend our own solutions. California Tribes worked successfully during the past year to establish the California Advisory Council on Indian Policy, as authorized in P.L. 102-416. We request that \$400,000 be appropriated to fund the initial Council activities.

The BIA Sacramento Area-wide budget is the lowest in the United States despite California having one of the highest Indian populations in the Nation. California Tribes suffer from many problems, most of which are directly attributed to the Federal terminations policies of the 1950's. The present day minimal service and budget levels for BIA California

Indian programs are the result of the unwillingness of the BIA to correct the atrocities imposed on Indian people by implementation of the termination policies. Our request is to add \$20,000,000 to the FY94 budget for the Sacramento Area with a limit of five percent of the funds retained for BIA administration.

\$1.0 million for the Interior Office of Self-Governance and maintain Shortfall/Implementation funds levels. The Office of Self-Governance within the Interior Department has provided a meaningful mechanism for implementing the Self-Governance Demonstration Project. As Self-Governance expands to other agencies in the Interior Department, the role and responsibilities of this Office will grow. We believe, due to the expanding number of participating Tribes and issues for the Office, it is appropriate to increase their funding and personnel to handle the increased workload. We request that the budget for the Office of Self-Governance be increased to \$1.0 million, that the FY 93 level of supplemental funds be maintained for implementation costs and short-falls for the Self-Governance Tribes; and, that the Lummi Education/Communication Project be continued.

Support for \$2.9 million for the IHS Self-Governance Project. The Self-Governance Tribes are encouraged by the positive preliminary meetings with the Indian Health Service regarding expansion of the Self-Governance Demonstration Project to include the IHS. On March 16, we submitted a proposed Compact of Self Governance, Annual Funding Agreement, baseline measures and an evaluation process for consideration by the IHS. We plan to negotiate transfer for most of the IHS programs under the Self-Governance Project for implementation on October 1, 1993.

Since the IHS is in many ways more complicated, structured and has a more integrated service delivery system than the BIA, implementation of the Project with the IHS could potentially become very complex and expensive for the Tribes. Based on planning experience with the Interior Department, the original planning funds did not cover tribal actual costs. This pioneering effort in the field of health services delivery, combined with our more aggressive planning and implementation schedule, will result in similar expenses for the Tribes. Therefore, we request that the Committee appropriate \$2.9 million for IHS Self-Governance implementation, including \$2.3 million for Tribal planning and implementation of \$100,000 per Tribe, \$500,000 for an IHS Office of Self-Governance in the IHS Director's Office, and \$100,000 for education purposes.

STATEMENT OF MICHAEL D. LINDBERG, COMMISSIONER, URBAN CONSORTIUM ENERGY TASK FORCE

This testimony is presented on behalf of the Urban Consortium Energy Task Force (UCETF). The mission of the UCETF is to identify and address the energy issues of the greatest concern to large urban governments.

Funding for the program is provided through the DOE Office of Technical and Financial Assistance, Municipal Energy Management Program. For FY 1994, the Administration has requested \$2,977,000 for the Municipal Energy Management Program, a significant increase in prior year funding. This recommendation for increased funding is very important, particularly in view of the central role to be played by urban governments in the implementation of the national policies to promote greater energy efficiency and the use of renewable energy and alternative fuels contained in the Energy Policy Act of 1992.

The central focus of the UCETF program is the conduct of hands-on, applied energy research, development and application programs (including technology transfer programs) by local governments staff. The UCETF program has historically been one of the very few Federally-supported energy programs directed specifically at urban governments. The UCETF program is the only existing mechanism for cities to develop and share experience and expertise to achieve solutions to specific energy problems. The program allows cities to define energy research priorities and apply limited research dollars, substantially leveraged by private and other public sector funds, to those programs that answer the most significant needs of local government.

The City of Portland has benefitted substantially from our participation in the UCETF program in the last several years. A total of \$340,000 in UCETF grant funds have come to Portland since 1989 to support energy efficiency efforts in the Portland area. A primary effort funded by the UCETF was the Sustainable City Project which resulted in the development and adoption of a new energy policy in April 1990 with a goal of increasing energy efficiency by ten percent by the year 2000. Since 1990, the new energy policy resulted in \$738,000 of leveraged funds from local utilities, the State of Oregon, City of Portland, and the United States Environmental Protection Agency for

additional energy efficiency programs. These funds could not have been raised without the adoption of a new energy policy and the primary financial support from the UCETF.

Throughout the program, a fundamental goal has been the transfer of knowledge, successful program results and technologies uniquely suited for urban applications. The UCETF has emphasized building the capabilities of local government staffs and supported peer-to-peer transfer of demonstrated successful technologies, management practices, or means of resolving institutional barriers common to local governments.

With this program history and emphases on energy efficiency, technology transfer and managing the impacts of energy policy decisions on opportunities for economic growth, the UCETF is well situated to contribute to the goals and objectives of the Energy Policy Act and the Administration's energy program.

Program Status

The cornerstone of the UCETF program is the annual applied energy research program, featuring projects conducted by local government staffs. Proposals are competitively selected for funding, and leveraging of public and private resources and the formation of partnerships that can assure successful implementation of program results is emphasized. Over the years, the UCETF program has supported more than 250 applied energy projects in nearly 40 urban jurisdictions.

The UCETF is currently supporting projects in three priority areas, utilizing FY 1992 funds: energy efficiency in the transportation sector, with a particular focus on alternative vehicles fuels; energy efficiency in the building sector; and integrated resource developmental environmental priorities in urban areas.

Technology transfer remains a key focus of the UCETF. The UCETF seeks to promote widespread dissemination of the results of its research projects through distribution of project reports and a videotape presenting an overview of the UCETF program and resources available from the UCETF. Specific videotapes providing technical information on alternative vehicle fuels and variable frequency air drives are also available. The UCETF reviews and refines the results of previously supported research to identify and develop products with the potential for greater (and possibly commercial) transferability. We are also investigating new mechanisms for technology transfer and greater opportunities to coordinate our technology transfer efforts with those of the Department of Energy, including end use sector programs.

A request for proposals for participation by jurisdictions in the FY 1993 UCETF program has been distributed to over 100 urban jurisdictions; selection of projects to participate in the FY 1993 program will be made in late May. This year we are emphasizing the need to foster economic development and jobs creation and retention through energy programs, as well as opportunities for technology commercialization and transfer. Priority areas for the FY 1993 program will include transportation (consistent with the increased emphasis on the conversion to alternative fuel vehicles contained in the Energy Policy Act, as well as Federal efforts to speed the pace of AVF acquisitions, and the opportunities or requirements arising under the Clean Air Act and the Intermodal Surface Transportation Efficiency Act); utility, industrial/commercial and government energy efficiency (including demand side management programs and new IRP requirements under the Energy Policy Act, and the role that local governments may play in encouraging efficiency in the utility and industrial sectors); and energy efficient residential buildings and communities (focusing on the economic development opportunities available in the energy efficiency and renewable energy industry in urban areas.)

Increased Focus on Technology Transfer

Consistent with the growing Federal emphasis on maximizing the economic and energy efficiency benefits of expanded technology transfer activities, the UCETF is also in the process of defining an expanded technology transfer program. Aspects of this technology transfer initiative would focus on sharing of technologies between Urban Consortium member jurisdictions (generally larger jurisdiction) and smaller urban governments. Opportunities for direct peer-to-peer technology transfer among local government staffs could include regional workshops and local government technical assistance teams.

Additionally, the UCETF is very interested in enhancing the role of urban governments in directing technology research and development. The UCETF believes that urban governments, because of their needs for new technology, their availability as testbeds for new technology demonstrations and applications, and their strong linkages to those within the business community who may be willing and able to enter into technology commercialization partnerships, can and must play a key role in the effort to bring technologies out of the labs and into the marketplace. The UCETF will be seeking to define a role for urban governments in the developing laboratory technology transfer initiatives in the days ahead.

Conclusion

I urge the Senate Appropriations Committee to include the \$2.97 million dollar funding for this program in their bill. National energy policy will be strengthened by greater direct involvement of local governments in identifying energy technologies that need to be developed or are ready for commercial application, in testing and applying new technologies or management practices to meet the needs of urban business and residents, and in developing effective means to stimulate economic development and jobs creation through energy programs. The UCETF looks forward to continued and expanded partnerships with the Department of Energy in these critical areas.

Member Jurisdictions of the Urban Consortium Energy Task Force

Albuquerque, MN	Memphis, TN	San Francisco, CA
Austin, TX	Montgomery City, MD	San Jose, CA
Chicago, IL	MD	Seattle, WA
Dade County, FL	New Orleans, LA	Washington, D.C.
Denver, CO	Phoenix, AZ	New York, NY
Houston, TX	Portland, OR	Hennepin City, MN
Kansas City, MO	San Diego, CA	

STATEMENT OF HENRY L. HENDERSON, COMMISSIONER, DEPARTMENT OF ENVIRONMENT, CITY OF CHICAGO

Mr. Chairman and members of the Senate Appropriations Subcommittee on the Interior, thank you for the opportunity to present written testimony on funding needed for the restoration and conservation of natural resources within the City of Chicago. The City is expanding its GreenStreets program to include other beneficial conservation projects. The City of Chicago is seeking a FY94 appropriations earmark of up to \$1.5 million for specific conservation projects under the GreenStreets Program from the U.S. Department of Agriculture's Forest Service. The City also is seeking a FY94 appropriations earmark of \$300,000 from the U.S. Department of Agriculture's Forest Service for the Urban Forest/Transportation Corridor Program, a joint research project between the City of Chicago and the U.S. Forest Service.

GREENSTREETS PROGRAM

*GreenStreets Project

At the center of Chicago's urban conservation efforts is Chicago's Mayor Daley's GreenStreets project, an ambitious urban forestry program that seeks to increase Chicago's tree population by 500,000 by 1995. Tree planting is targeted at increasing the amount of greening in traditionally barren areas of the city. The City is increasing plantings of native species to develop and maintain a more diverse landscape and to reduce the need for landscape maintenance.

The impact of tree planting is not limited to beautification; trees play an important role in energy conservation and the reduction of air pollution. The Chicago Urban Forest Climate Study, which is a joint research project between the City of Chicago and the United States Forest Service Northeastern Forest Experiment Station, found that urban forests and trees have a positive effect on urban "heat islands," leading to lower energy usage in the summer months. Results show a 30% reduction of air conditioner energy use due to trees. Trees also act as natural air filters, cleaning the air of dust and gaseous pollutants.

The FY94 appropriations would be utilized to plant approximately 2000 trees in concrete school lots, along transportation corridors, and in the downtown area as part of an open space inventory and urban design plan. The earmark will be matched by local resources.

•Landscaping with Native Vegetation Project

While urban forests form an important core of conservation, expanding the use of native vegetation is crucial to an integrated, comprehensive program as well as providing environmental benefits. The landscaping initiative would seek to introduce the use of native grasses, shrubs, and forbs. The use of native materials in planting transportation corridors, City property, and other areas will result in more economical landscaping maintenance. They also provide a greater habitat for native animals and a more diverse cityscape.

The FY94 appropriations request would be used to plant native grasses, shrubs, and forbs throughout the City.

•Conservation and Restoration of Natural Areas Project

The City of Chicago is developing an inventory of existing natural areas within the city. Once these sites are identified, a land management plan will be developed and selected sites will be acquired for urban greenways. This project will compliment the City-Space program as well as the Northeastern Illinois Planning Commission's Greenway Plan.

The FY94 appropriations request would be used to develop and implement a land management plan. The focus of the plan is to determine what activities are necessary to enhance the natural communities present, and then implement such activities.

•Community Greening Project

While having important environmental benefits, community gardens play an important role in stimulating neighborhood revitalization through community-based improvement and beautification efforts. They also provide educational opportunities in the natural resources area and involve neighborhood residents in the creation and maintenance of public parks and gardens.

Through the Neighborhood Greening Project, instituted in 1993, the City of Chicago provides funding for community groups, schools, public housing tenant cooperatives, and neighborhood organizations to transform vacant City lots into parks, gardens, and vegetable patches. The project supports community efforts to create valuable new public open space. The City, in cooperation with non-profit organizations, provides groups with assistance in garden design, selection of species appropriate to Chicago climate and soil conditions, and garden maintenance. Thus, participating groups are provided with the technical assistance and information necessary to ensure the success of their garden.

The FY94 appropriations request would be used for grading and levelling 15 sites, supplementing or replacing topsoil, plant materials, and basic gardening implements.

The City of Chicago's GreenStreets Program targets the restoration and preservation of natural spaces within the urban core. Beautification is not the sole benefit of the program. Greening has specific energy and environmental benefits. Developing the use of native vegetation decreases the need for the use of pesticides, which reduces the potential for contamination of water supplies and making landscaping more economical. Also, trees play an important role in reducing air pollution, conserving energy, and potentially reducing ozone concentrations. Additionally, open space and greening are part of any comprehensive land use and economic development plan.

URBAN FOREST/TRANSPORTATION CORRIDOR PROGRAM

The City of Chicago would like to build upon the Chicago Urban Forest Climate Study's (CUFCP) findings by researching and testing the role of urban trees in mitigating ozone impacts through ozone reduction. The model presently used to predict ozone removal was developed by the United States Environmental Protection Agency. However, it has not been tested in an urban setting. Field testing specific to urban trees conducted in Chicago is a natural extension of the CUFCP results relating to energy usage and clean air. The City, with the United States Forest Services, is proposing to conduct such a study for three years, at a \$300,000 funding level per year.

Further modelling based on urban field tests will quantify the effects of urban tree planting on ozone, demonstrating the impact of continuing and enhancing urban forestation on achieving the goals outlined in the Clean Air Act. Planting trees along transportation corridors and evaluating their effect on mobile source emissions will complement efforts underway with the City's Employee Commute Options program.

The City is seeking a FY94 appropriations earmark of \$300,000 to research the effect trees have on air quality/ozone reduction, as well as a cost-benefit analysis to determine the net effect of intensive transportation corridor planting.

Mr. Chairman and members of the subcommittee, once again, I want to thank you for the opportunity to present testimony regarding the City of Chicago's GreenStreets program and Urban Forest/Transportation Corridor program.

STATEMENT OF JOHN YELLOW BIRD STEELE, PRESIDENT, OGLALA SIOUX TRIBE

The Oglala Sioux Tribe submits this statement in support of FY 1994 BIA funding for our Public Safety Commission, Tribal Court, Tribal Supreme Court and Tribal Prosecutor's Office.

OST PUBLIC SAFETY COMMISSION

Article 5 of the Act of February 28, 1877 (19 Stat. 254) provided that -- in consideration for the confiscation of Sioux lands and hunting rights worth billions of dollars in current dollar values -- the United States would provide the Oglala Sioux with "all aid necessary for civilization" and "an orderly government."

Moreover, Article 8 of the 1877 Act also provided that "each individual would be protected in his rights of property, person and life."

Articles 5 and 8 of the 1877 Act, along with other federal laws, created a federal trust responsibility to provide an adequate law enforcement delivery system on the Pine Ridge Indian Reservation of South Dakota.

For the past 116 years, Congress has attempted to fulfill its trust responsibility under the 1877 Act (and other federal laws) by providing law enforcement funds to the Oglala Sioux. Originally, law enforcement was performed by the Bureau of Indian Affairs. Beginning in 1977, the Bureau of Indian Affairs allowed the Oglala Sioux Tribe to contract law enforcement on the reservation under Public Law 93-638, as amended.

Law and order on the Pine Ridge Indian Reservation is currently delivered through the OST Public Safety Commission by a 100-man police force (including jailers, dispatchers and a criminal investigation department) to over 20,000 people. The Commission's service area is 80 miles by 60 miles. The reservation includes Shannon County, the poorest county in the United States according to both the 1980 and 1990 Federal Census.

We request \$7,500,000.00 for operation, maintenance and improvement of our law enforcement system on the Pine Ridge Indian Reservation. This amount will allow us to improve our overall law enforcement delivery system on the reservation, including the replacement of equipment (i.e., vehicles, radios and weapons), manpower increases, salary and fringe benefit increases and personnel training. This amount will also fulfill the Federal Government's trust responsibility to adequately fund law and order on the reservation for FY 1994.

Also, I would like to bring to the Committee's attention the need for \$750,000.00 during the current year (FY 1993) to pay for salary adjustments and overtime payments as mandated by Public Law 101-509, the Federal Law Enforcement Officers Pay Comparability Act of 1990, and the Fair Labor Standards Act.

Also, we have an urgent need to upgrade and renovate two detention facilities on the reservation. These facilities were built by the Bureau of Indian Affairs with inferior structural design and construction, faulty plumbing and electrical installation, and inferior workmanship. We are therefore requesting an additional \$150,000.00 FY 1993 funds for a feasibility study to upgrade and renovate these facilities, so that we can request planning, design and construction funds for these facilities in FY 1994.

The supplemental attachments provided for the written record present the statistical justification for the requested amounts.

OST TRIBAL COURT

The Oglala Sioux court system has the same services area as the OST Public Safety Commission and is also funded by the Bureau of Indian Affairs under a Public Law 93-638 contract.

The Oglala Sioux Tribe maintains two court facilities because of vast distances between reservation communities, a principal courthouse at Pine Ridge, South Dakota and satellite facility located in office space leased from the Public Safety Commission at Kyle, South Dakota.

The Pine Ridge Courthouse is underfunded and understaffed because its budget and resources are shared with the Kyle Courthouse. At the same time, a Federal Evaluation Team has recommended upgrading the court system with law trained judges and public defenders, trained reporters and clerks and code development. Compliance with these recommendations will require increased funding.

An increased caseload at the Kyle Courthouse has necessitated an increase in court personnel. For example, in 1991, 3,556 criminal cases, 247 civil cases, and 819 juvenile cases were processed. This has resulted in an overcrowded facility on hearings days.

We request \$825,000 for the Tribal Court budget, plus an additional \$150,000.00 to construct a courthouse at Kyle for FY 1994. Supplemental attachments provided for the written record present the statistical justification for the requested amount.

OST SUPREME COURT

The Supreme Court of the Tribe is also in need of a facility. The Supreme Court handles all criminal and civil appeals and is staffed by three Justices, one Associate Justice, and a Clerk. A law trained research assistant is desperately needed to assist the Justices in researching complex legal issues.

The Supreme Court, along with the Pine Ridge Tribal Prosecutor's office, is housed in a building constructed in 1930. The Court

and Prosecutor's office is therefore in dire need of a new facility.

We therefore request \$150,000.00 to accomodate the necessary personnel for the Supreme Court and the sum of \$100,000.00 to purchase a modular facility to house this court and prosecutor's office.

OST PROSECUTOR'S OFFICE

The Pine Ridge Tribal Prosecutor's office is staffed with a Chief Prosecutor, and Assistant Prosecutor, and a Complaints Clerk. The Kyle office is staffed with one Assistant Prosecutor and one Complaints Clerk. The Court processes an average of over eleven thousand cases on an annual basis. This includes criminal, traffic, civil, and juvenile cases. Also included is the arraignments, pre-sentence investigations, mental illness investigations, alcoholism, suicide, sex abuse, child abuse and neglect, and spouse abuse cases. Additional staff is needed to upgrade both offices.

Periodic in-service training is needed for all prosecutors and staff, including office management for clerks through the National Indian Court Clerk's Association.

We are therefore requesting \$350,000.00 for the Tribal Prosecutor's office budget for FY 1994.

STATEMENT OF PETER J. BELGARDE JR., CHAIRMAN, DEVIL'S LAKE SIOUX TRIBE

The Devils Lake Sioux Tribe submits their testimony to the Senate Interior Appropriations Subcommittee for our Fiscal Year 1994 appropriations request. Our Tribe's request is submitted for consideration under the Snyder Act of November 2, 1921, (115, 42 Stat. 208) 25 U.S.C. 13. "FOR RELIEF OF DISTRESS AND CONSERVATION OF HEALTH"-as per Snyder Act. The Sisseton-Wahpeton and Cuthead Sioux of the Devils Lake Sioux reservation of Dakota Territory signed our Treaty with the United States Government on February 17, 1867. Today, the Devils Lake Sioux Reservation is located in the State of North Dakota, 100 miles west of Grand Forks, ND. It is an area of 383 square miles, with approximately 245,141 acres, 60,309 acres are held in trust under Tribal jurisdictional control. The March 1992 BIA Service Population Reports show resident Indian population of 4,622, of which 2,201 are under the age of 16. Total 1990 Census Population-Indian and Non-Indian is 3,588.

OF URGENT HEALTH AND ENVIRONMENTAL NEED FOR APPROPRIATION ARE:

- 1) Sanitation Facilities - Construction and One-Year Startup - \$948,000
- 2) Dialysis Unit (renovation and Setup/One-Time Cost) - \$505,703
- 3) Asbestos Abatement - \$205,856

TOTAL FY-94 SNYDER ACT APPROPRIATION REQUEST - \$1,659,559.

SANITATION FACILITIES: On Wednesday, October 9, 1991, the U.S. Environmental Protection Agency promulgated the new solid waste landfill regulations in the Federal Register, Volume 56, Number 196, (that will appear at 40 CFR 257 and 258). On October 9, 1993, both 40 CFR 257 and 258 take effect. On this date, ALL landfills are required to be in compliance with these regulations. Non-compliance could bring a multitude of problems which could possibly include criminal and/or civil penalties for violators.) Our Tribe is currently seeking consideration as a Small Community Landfill. In qualifying for the Small Community Landfill Requirements, the Tribe will be exempt from any of the significant costs associated with the design criteria, ground-water monitoring and corrective actions. However, the Tribes must still comply with the other subparts which include: 1) General Requirements, 2) Location Requirements, 3) Operating Criteria 4) Closure and Post-Closure Care, and 5) Financial Assurance Criteria. Our estimated construction cost and initial year operation and maintenance estimate as based on Small Landfill exemption, with operating life to be 20 years is \$948,000.

DIALYSIS: Our current number of diabetic patients is 199 with an average age of 54. There have been two deaths of dialysis patients in the last year. Our dialysis patients travel a total of 600 miles per week during their three trips to Grand Forks for dialysis services. A dialysis day consists of an hour and a half drive to the hospital, 3-4 hours on a machine and an hour and a half drive home, three times a week. A joint project started in 1992 between the Devils Lake Sioux Tribe and Mercy Hospital to begin planning and development of a dialysis unit which would service a radius of 50 miles from Devils Lake. A total of 7-9 dialysis patients were identified. After research, the most cost-effective program was to be a satellite unit of a larger hospital. MedCenter One of Bismarck has expressed interest in running our unit only after all renovation and the unit is complete. Two other reservations in North Dakota receive annual congressional appropriations of \$500,000 per year for their units. Our cooperative regional effort and satellite plans will allow for an estimated one time cost of renovation and set up of the unit for six dialysis machines with plumbing for ten at \$505,703.

ASBESTOS: A priority due to abatement being a preventative health measure for cancer and also abatement would allow for demolition of buildings which are on extreme injury hazard for our children. An estimated 117 homes directly surround these four buildings as well as an infant and early childhood care center. 408 children live directly near these buildings. The St. Michael Community play-ground and basketball court are right between three of the buildings. Professional survey reports have provided the following cost for abatement: \$205,856.

Building #75	-	\$53,955	
St. Michael's School	-	\$48,322	(Friable - 13,650 Non-Friable - 34,672)
Administration Building	-	\$58,939	(to be demolished) (Friable - \$2,028 Non-Friable - \$56,911)
Heating Plant	-	\$44,640	(to be demolished) (all friable)

We thank you for your time and consideration in hearing our Tribe's testimony.

SYNDER ACT

25 U.S.C. 13 Expenditure of appropriations by Bureau of Indian Affairs

The Bureau of Indian Affairs, under the supervision of the Secretary of the Interior, shall direct, supervise, and expend such moneys as Congress may from time to time appropriate, for the benefit, care, and assistance of the Indians throughout the United States for the following purposes:

General support and civilization, including education.

For relief of distress and conservation of health. ✓

For industrial assistance and advancement and general administration of Indian property.

For extension, improvement, operation, and maintenance of existing Indian irrigation systems and for development of water supplies.

For the enlargement, extension, improvement, and repair of the buildings and grounds of existing plants and projects.

For the employment of inspectors, supervisors, superintendents, clerks, field matrons, farmers, physicians, Indian police, Indian judges, and other employees.

For the suppression of traffic in intoxicating liquor and deleterious drugs.

For the purchase of horse-drawn and motor-propelled passenger-carrying vehicles for official use.

And for general and incidental expenses in connection with the administration of Indian affairs. (Nov. 2, 1921, c. 113, 42 Stat. 208)

COST ESTIMATE
LANDFILL OPERATION AND MAINTENANCE

Item	Annual
Labor Costs	
Manager	\$20,400.00
Operator	18,000.00
Driver	18,000.00
Clerk (part-time)	6,000.00
Indirect (21% of labor)	<u>\$13,100.00</u>
Subtotal Labor	\$75,500.00
Operation Costs	
New Trenches	\$15,000.00
Fuel	6,600.00
Equipment Maintenance & Repair	9,600.00
Landfill Operations	<u>2,400.00</u>
Subtotal Operation	\$33,600.00
Administrative Costs	
Environmental Compliance	\$ 10,800.00
Office Supplies & Bookkeeping	6,000.00
Utilities	3,600.00
Equipment Depreciation	44,200.00
Landfill Closure	3,600.00
Miscellaneous	<u>5,000.00</u>
Subtotal Administrative	\$ 73,200.00
Total Operation and Maintenance Cost	\$182,300.00

ASBESTOS - \$205,856

Building #-75
Response Action:

Due to the significant amount of damage to the ACBM in the facility, immediate closure is recommended.

The TSI is scattered throughout the floors of the building and is in a very friable condition. The floor tile has also become friable due to the amount of physical damage it has received. Controlling asbestos fiber release in the facility is accomplished through sealing all openings to the facility and restricting access, or by abating the ACBM from the facility.

If the facility is scheduled for demolition it will be necessary to abate these materials categorized as friable. Estimated abatement costs to include design and air monitoring is \$35,673.00

If the facility is scheduled for renovation estimated abatement costs to include design and air monitoring for removal of all ACBM is \$53,955.00]

05-7

Response Action: Abatement of all friable ACBM and extensively damaged, non-friable ACBM is necessary prior to demolition. If demolition is not prescribed, abatement of the friable ACBM is recommended due to the materials condition.

St. Michael School.

Estimated Abatement Costs: (including design & OSHA compliance)

High School	Friable ACBM	13,650.00
	Non-Friable ACBM	34,672.00
Admin. Bldg.-	Friable ACBM	2,028.00
	Non-Friable ACBM	56,911.00 (includes plaster)
Heating Plant	Friable ACBM	44,640.00

Cost reflects abatement of all plaster within the building. Schematic sampling of the material may produce a smaller isolated area, thus reducing abatement costs.

LANDFILL - \$948,000

COST ESTIMATE

LANDFILL OPERATION AND MAINTENANCE

ITEM	QUANTITY	UNIT	UNIT PRICE	TOTAL COST
Landfill Excavation	15,000	YD3	2.00	\$30,000.00
Landfill Liner	5,000	YD3	2.00	10,000.00
Collection Truck	2	EA	85,000.00	170,000.00
Landfill Compactor	1	EA	170,000.00	170,000.00
Landfill Shop	1	EA	35,000.00	35,000.00
Dumpsters	300	EA	400.00	120,000.00
Road, 16 feet wide	5,300	L.F.	8.00	42,400.00
Fencing	2,000	L.F.	5.00	10,000.00
Soil Testing	1	JOS	10,000.00	10,000.00
Monitoring Wells	5	EA	2,000.00	10,000.00
Wind Screen	1,000	L.F.	3.00	3,000.00
Electrical Power	1	JOS	4,000.00	4,000.00
Fuel Tank (1000 gallon)	1	EA	1,600.00	1,600.00
Shop Tools	1	L.S.	5,000.00	5,000.00
Project Start-Up	1	L.S.	9,000.00	<u>9,000.00</u>

Sub Total Project \$630,000.00

10% Consulting and Management 63,000.00

10% Contingencies 63,000.00

Total Project \$756,000.00

DIALYSIS - \$505,703



Jamestown
Hospital

April 13, 1983

Marlene Krain
Mercy Hospital
Davis Lake, MO 68301

Dear Marlene,

This is the information you requested regarding our Dialysis Unit:

Architectural design & fee	\$ 25,359.24
General construction	88,128.01
Mechanical (incl. heat, cool, water plant)	111,400.00
Electrical	<u>34,448.00</u>
TOTAL	\$ 247,335.25

If you have any questions, please feel free to call. Thank you.

Sincerely,

Wes Smith
Chief Financial Officer

DIALYSIS MACHINES, EQUIPMENT FOR
DIALYSIS STATION, EQUIPMENT FOR
DIALYSIS UNIT, PATIENT CARE ITEMS,
PHARMACY SUPPLIES--\$258,372.75

STATEMENT OF ROLLAND ROUSSEAU, CHAIRMAN, PACIFIC SALMON COMMISSION

Mr. Chairman, my name is Rolland Rousseau and I am an Alternate Commissioner on the Pacific Salmon Commission. The Commission was established by the Pacific Salmon Treaty between the U.S. and Canada for the purposes of conserving salmon stocks and controlling salmon interceptions. I am before you today in my role as Chairman of the U.S. Section Budget Committee. I want to provide you with a copy - for the Committee's use and for the record - of the proposed budget prepared by the U.S. Section for implementation of the Treaty. It details budgets for Federal, Tribal, and State agencies involved in the treaty. The U.S. Section has identified a required funding level of \$3.290 million for tribal research projects and participation in the U.S.-Canada Pacific Salmon Treaty process for FY94. Our recommendation is an increase of \$249,217 over the FY93 appropriated level of \$2.481 million for the U.S.-Canada Pacific Salmon Treaty and the continuation in FY94 of the \$559,292 provided for the U.S.-Canada Pacific Salmon Treaty through Self Governance Compacts in FY93. These funds will be allocated to the Northwest Indian Fisheries Commission (\$2,196,210), the Columbia River Inter-Tribal Fish Commission (\$899,050), and the Metlakatla Indian Community (\$194,949). These funds will be distributed within the tribal Commissions based upon the project descriptions contained in the U.S. Section Budget Justification Book.

Mr. Chairman, the signing of the U.S. - Canada Pacific Salmon Treaty in 1985 was an essential step forward for the conservation and enhancement of the truly renewable salmon resource of the Pacific Northwest, Alaska, and Canada. Under the Treaty, both countries have committed themselves to a coastwide rebuilding program for chinook salmon stocks, to the conservation of the coho stocks of both countries, and to a harvest sharing of Fraser River sockeye and pink salmon stocks in order to provide for stable U.S. and Canadian harvests. The Commission continues to work towards these goals through its annual management recommendations to each country. The Commission's management recommendations are based upon continuous research into salmon stock composition and migratory patterns as well as the evaluation of interception and escapement levels.

Our salmon fisheries are at a critical juncture: based upon current fishery evaluation programs and the data collected from Treaty research projects, the U.S. and Canada are developing joint fishery objectives and goals to further the principles of the Treaty and to allow for the coordinated enhancement activities envisioned by the Treaty negotiators. In many instances, the development and joint resolution of these goals and objectives will mean finding ways to use current programs more efficiently and effectively. For example, we are looking at ways to cooperate on providing fully productive salmon habitat and an effective supplementation program for naturally spawning salmon stocks that allows us to realize the full promise of the Treaty. In other areas, accomplishing our joint fishery goals and objectives may mean the development of alternative management approaches that further the rebuilding and conservation obligations of each country under the Treaty. In this area, both Parties to the Treaty are reviewing current harvest ceiling levels for their effectiveness in reaching mutual rebuilding and conservation goals.

Within the U.S. Section, the research and data evaluation programs are carried out cooperatively by federal, state, and tribal researchers and will not only allow us to continue to evaluate current management actions but will also allow us to develop a framework for implementing those fishery objectives and goals we share with Canada. The U.S. Section Budget Book contains the justification for the funding we are requesting for the programs carried out by the tribes and their fisheries commissions. All of the funds are desperately needed for these programs, which are directly related to the implementation of the Treaty.

And of course, the cost to manage this resource is small compared to the value of the salmon to the economies of both countries. The annual commercial harvest of salmon subject to the Treaty is worth more than \$750 million, supporting the infrastructure of many coastal and inland communities. The value of the recreational fisheries, and the important economic diversity they provide for local economies throughout the Pacific Northwest and Alaska, is also immense. Additional attention is now being focused on this resource as a result recent listings of Pacific Northwest salmon populations under the Endangered Species Act. Finally, and as you are well aware, the value of these fish to tribes of Washington, Oregon, and Idaho goes far beyond their monetary value and reaches the cultural and religious lives of Indian people.

Recognizing funding constraints, the U.S. Section Budget Committee has maintained a rigorous evaluation program to determine annual budget requirements for necessary research and fishery

monitoring. For the last several years, the U.S. Section has allowed only minimal inflationary adjustments and has not even allowed that in some years. These severe restrictions each year require us to carefully evaluate and select those projects that will be funded; each year many important programs are not funded in order to continue the basic fishery monitoring programs necessary for the Treaty. Likewise, our strict limitations on programs that receive U.S. Section approval for funding mean that it is critical that recommended projects are fully funded.

Prior to this Treaty, fish wars often erupted with one or both countries overharvesting fish that were returning to the other country, to the detriment of the salmon resource. Now, under the Treaty, we share a mutual commitment with Canada to rebuild chinook stocks, to conserve salmon populations coastwide, and to insure that each country is receiving the benefits of its salmon production. Already Canada and the U.S. have seen a dramatic increase in the runs of sockeye and pink salmon returning to the Fraser River since the Treaty was signed. This increased production results from both the joint U.S. - Canada harvest management of these stocks under the Treaty as well as Canadian enhancement activities, such as the development and protection of additional spawning areas, in the Fraser River Basin.

The U.S. and its fisheries can and should benefit from similar increases in salmon production through a continued adherence to the Treaty's conservation principle and the rebuilding program while simultaneously implementing its own enhancement programs. Because the Pacific Salmon Commission focuses its annual recommendations on the harvest restrictions that Canada and the U.S. have agreed to under the Treaty, all too often it is only the impacts of those harvest restrictions on fishers that you hear or read about relative to the Pacific Salmon Treaty. It is important to remember that a primary consideration of Pacific Salmon Treaty negotiators was that the establishment of harvest ceilings would allow for both the U.S. and Canada to proceed with planned enhancement activities. Continued delay in undertaking enhancement activities in the U.S. that have long been planned and studied is placing considerable strain on those bearing the burden of conserving the salmon resource. Of course, enhancement under the Treaty means the use of both natural and artificial methods and includes restoring the spawning habitat of a river, enhancing passage to the spawning and rearing areas, and using supplementation to rebuild weak or depressed stocks. And again, since they have been developed to rebuild or conserve salmon populations, these enhancement activities would also be expected to complement and hasten the recovery of salmon stocks listed under the Endangered Species Act.

I should also note that the increased returns of the salmon due to enhancement activities will also give continued emphasis to the protection of the rivers in which the salmon spawn and will therefore continue to benefit environmental protection efforts in both countries. As degraded habitat begins to recover, we would also expect increased production and survival of naturally-spawning salmon in these areas, which in turn results in increased benefits to the U.S.

Mr. Chairman, that concludes my written testimony submitted for consideration by your Committee. I want to thank the Committee for the support that it has given us in the past. I am available to answer any questions you or Committee members may have regarding the U.S. Section of the Pacific Salmon Commission budget.

SUMMARY OF TRIBAL PROGRAM UNDER THE U.S.- CANADA PACIFIC SALMON TREATY

	FY93 Approp.	FY94/Recom.	Shortfall
BIA (Total)	\$3.040 million*	\$3.290 million*	\$ 249,217

*These figures include monies that are provided under Tribal/Agency Operations for tribes that are participating in the Self-Governance Compacts. In FY93, \$2.481 million was appropriated for the U.S. Canada Pacific Salmon Treaty and \$559,292 was provided under Self Governance Compacts, for a total FY93 appropriation of \$3.040 million.

STATEMENT OF PETERSON ZAH, PRESIDENT, NAVAJO NATION , WASHINGTON OFFICE

The Navajo Nation appreciates this opportunity to present its views and recommendations on the Fiscal Year 1994 budget for the Department of Interior. We look forward to working with the Subcommittee during the appropriations process. Regarding Interior Appropriations, we are here requesting funding for five areas of priority.

1. Development needs in the former Bennett Freeze area and Navajo-Partitioned Lands (NPL);
2. Upgrading and building of jail facilities to comply with tribal court consent decrees;
3. Establishment of a Navajo Department of Education and other education initiatives;
4. Development and preservation of essential Navajo natural resources, water and land; and
5. More housing for Navajo families.

Needs in the Bennett Freeze Area and the Navajo-Partitioned Lands

The Navajo Nation is seeking \$31.7 million to begin rehabilitation in the former Bennett Freeze Area and Navajo-Partitioned Lands (NPL). The former 1966 "Bennett Freeze", which prohibited any new development, capital improvements or repairs within the 1,400,000 acres of land in western Navajo Reservation, has had devastating effects on living conditions, economic opportunities and self-sufficiency for Navajos living in this area. The Navajo Hopi Land Commission estimates that it may require \$308,000,000 to rehabilitate this area over a five year period.

The Navajo Hopi Land Commission believes \$21.5 million for rehabilitative development in the former Bennett Freeze and \$10.2 million in the NPL are needed for the first year. These funds will go toward housing; water systems, sewers and sanitation; education facilities; agriculture, range and soil conservation; and, economic development management in the Bennett Freeze area and, range management and conservation activities in the NPL, mandated by Public Law 93-531 and Manybeads v. United States, respectively.

The Interior budget proposes \$2.5 million for the Navajo Rehabilitation Trust Fund (NRTF) for FY 1994, a decrease of \$1.5 million from the FY 1993 levels. Given the enormous infrastructure deficit of the former freeze area, the Navajo urges priority consideration of that request over any further increase of the NRTF.

Law Enforcement

The Navajo Nation, by consent decree, has been ordered to upgrade jail facilities on the Navajo Nation and in some instances will need to replace facilities to ensure compliance with the court. Therefore, we were discouraged that no funding was made available for adult detention facilities in FY 1994. The Navajo Nation seeks \$41,000,000 to refurbish seven district detention facilities and also to construct six new facilities at Crownpoint and Shiprock, New Mexico and at Chinle, Kayenta, Tuba City and Window Rock, Arizona, and recommends that these projects be specifically earmarked. The adult detention facilities will provide a safe and more sanitary living conditions for inmates and prisoners.

Education Initiatives

Four Navajo Area BIA schools are currently under Phase II construction or design. Appropriations of \$37.8 million is needed to construct Many Farms High School, Pinon Dormitory, and Rock Point Community High School. In addition, design money is needed for Seba Delkai School. The Administration has included in its FY 1994 budget \$13 million for construction of these schools, however, an additional \$21.8 million is needed to complete construction and design.

In FY 1993, the Navajo Nation received a \$150,000 planning grant from the BIA to determine the feasibility of establishing a Navajo Department of Education. To continue this, the Navajo Nation requests an additional \$200,000 in FY 1994 for planning, data collection and, coordinating with local, tribal and state entities. This Department would have authority over all federal and state schools within the Navajo Nation, thus eliminating the division of authority among three states. By doing so, all educational requirements, teacher certification and curriculum throughout Navajo schools would be unified.

The Navajo Nation supports the \$33.8 million proposed in the Interior's budget for ISEF. We support the Association of Navajo Community Controlled School Boards' recommendation for increase of a statutory per-Weighted Student Unit base of \$3,499 and \$9.4 million added to the FY 1994 Indian School Equalization Formula (ISEF) budget.

The Navajo Scholarship program plays an important role in educating our youth. Our request for \$7 million will provide scholarships for 3,000 of the 4,500 eligible Navajo students who were denied scholarships due to insufficient funds received from the Bureau of Indian Affairs. The Navajo Nation, historically, has received more scholarship applications than it can award. In 1992, over 6,000 undergraduate applications were received and only 2,800 students were allocated funds.

Resource Development

For the first time ever, the Administration has included in its budget \$34 million for the Navajo Indian Irrigation Project (NIIP) and we ask that this be maintained to construct Block 8 (out of 11 blocks) and pay related costs. The Navajo Agriculture Products Industry (NAPI) this year is also seeking \$8.9 million in additional funds for: 1) \$5.2 million for operation, maintenance and replacement; 2) \$3.0 million for on-farm development; and, 3) \$700,000 for the agriculture testing and research laboratory.

The Navajo Nation request that the Subcommittee appropriate \$1,007,672 to establish the Surface Mining & Reclamation Program as authorized by P.L. 102-486, the National Energy Policy Act. This legislation allows the Navajo Nation to prepare for regulatory authority over surface mining and reclamation activities on the Navajo Nation. Reclamation activity was halted a few years ago due to the absence of authorizing legislation. The \$1,007,672 would resume the much needed reclamation of abandoned mines on Navajo lands.

The Navajo Nation supports the \$18 million proposed in the Interior's budget for the repair of high risk dams on Indian lands. Included in this request will be funding for corrective action to be completed for the final construction of the Ganado Dam and to perform deficiency verification analysis of six other Navajo dams. Such funding will help ensure the safety of Navajo residents and protect the property of Navajos who live downstream from these dams.

The Navajo Nation supports the \$10 million funding level authorized under Section 2604 of Title 26 - the Indian Energy Resources, of the Energy Policy Act of 1992, which provides grants to tribes for development, administration, implementation, and enforcement of tribal laws and regulations relating to their energy resources. The Navajo Nation is proposing to establish a "Navajo Energy Office" to launch, coordinate, and oversee all energy-related projects on Navajo plus assert regulatory authority over such development at an estimated cost of \$1.2 million.

The Navajo Nation's Chaco protection site project received \$300,000 in FY 1993. We are now requesting \$433,000 to continue the Navajo Nation's activities to manage, protect, and, interpret the Chaco protection sites.

Under the U.S. Geological Survey (USGS), the Navajo Nation is seeking \$650,000 to that agency to cover the costs of USGS technical assistance to the Navajo Nation. Navajo Nation water is a scarce and precious resource and USGS would help Navajo review and evaluate conditions and needs of this resource.

The Navajo Nation anticipates entering into an agreement with the U.S. Department of Agriculture's Soil Conservation Service to develop model irrigation operations and maintenance programs. In order to allow for a comprehensive engineering evaluation of the 85 Navajo irrigation systems, and for the design and implementation of adequate operations and maintenance programs to serve at least half of the systems, the Navajo Nation is requesting \$3,000,000 under the Bureau of Indian Affairs.

Housing Improvement Program

The Navajo Nation fully supports the BIA's Housing Improvement Program (HIP) to provide housing and to develop jobs by renovating existing homes and constructing new homes. Therefore, we were disappointed that HIP received a cut (\$538,000) in funding in FY

1994. The Navajo seeks an appropriation of \$7,118,000 to partially pay for construction of 19,062 new homes and renovate 10,242 existing units in 110 communities on the Navajo Nation.

In conclusion, the Navajo Nation thanks Chairman Byrd and Subcommittee members for their continued leadership and support of Indian programs.

STATEMENT OF THE AMERICAN PUBLIC POWER ASSOCIATION

The American Public Power Association (APPA), the national service organization representing more than 1,750 local, publicly owned electric utilities throughout the country, submits this statement to the Senate Appropriations Subcommittee on Interior and Related Agencies concerning FY 1994 Department of Energy (DOE) appropriations.

A. Energy Efficiency Research and Development

APPA is pleased that one of the key elements of the President's economic proposal applicable to the Department of Energy includes an increase of \$120 million in FY 94 over the FY 93 funding level for energy efficiency and renewable energy programs.

However, the President's proposal to increase DOE funding progressively through FY 97, spending an additional \$1.3 billion over four years, falls short of the effort that is needed to make a significant impact in the level of the nation's energy efficiency and installation of renewable energy projects. Between 1980 and 1991, DOE funding for R&D declined from \$542 million (1990 dollars) to \$220 million. FY 93 appropriations have brought the energy efficiency R&D budget up to \$313 million. Now is the time to restore the United States as a leader in the development and commercialization of new and advanced technologies. APPA believes that a more aggressive approach is necessary to meet energy needs cost-effectively, improve environmental quality, and maintain economic vitality.

The Energy Policy Act of 1992 (the Energy Act) contains many provisions to improve the nation's energy efficiency. However, the Energy Act only contains authorizations for funding as opposed to actual appropriations. The great improvements in energy efficiency contemplated in the Energy Act can be only realized if Congress fully funds the authorized amounts. Therefore APPA recommends FY94 funding of \$672 million in DOE energy efficiency programs. This includes the following programs: buildings, industry, transportation, utility, Federal Energy Management Program and commercialization. Furthermore, APPA recommends funding of \$529 million for State and Local Energy Programs.

The following are specific initiatives that APPA recommends in FY 94:

Appliance and Building Standards: Probably the greatest increase in energy efficiency will come from the development and implementation of strict efficiency standards for new buildings and implementation and extension of existing appliance efficiency standards. Thus, the United States can see a near 100 percent shift to high efficiency appliances within 10 years, and a shift toward greater building efficiency beginning immediately. Tighter standards also serve to drive the market, thus reducing the need for utility intervention to "correct the market" through demand-side management (DSM) programs. APPA asks that full funding be provided for the codes and standards program in the Office of Building Technologies as proposed in the Energy Policy Act of 1992.

Consumer-owned utility/power marketing administrations' IRP initiative: With the Energy Act's integrated resource planning (IRP) requirements involving the Tennessee Valley Authority (TVA) and Western Area Power Administration (WAPA), all consumer-owned utilities are directing their attention to IRP. As a result, a consumer-owned utility/federal power agency IRP initiative has been formed that incorporates a constituency beyond just TVA and WAPA customers. Three of the five federal power marketing administrations (Western Area Power Administration, Southwestern Power Administration and Southeastern Power Administration), along with the Tennessee Valley Authority, are joining forces with APPA and the National Rural Electric Cooperative Association (NRECA) to develop jointly the tools and programs necessary to achieve maximum penetration of IRP and DSM among their customers/members.

The project is unique in that it will (1) take advantage of economies of scale, (2) avoid duplicative efforts, and (3) send a consistent message to an important sector of the nation's electricity consumers. It will also offer the opportunity for DOE to work closely with consumer-owned utilities to ensure widespread adaptation of integrated resource planning. The DOE IRP program already is funding efforts to reach state-regulated utilities through work with state commissions. It is appropriate for DOE to focus now on the remainder of the electric utility industry.

A five-year effort is envisioned to reach all consumer-owned utilities. APPA urges Congress to appropriate \$3 million per year for five years for this effort. These funds should go through the IRP program in the Office of Utility Technologies.

Weatherization Assistance Program: APPA has consistently supported DOE's Weatherization Assistance Program and HUD's Low Income Home Energy Assistance Program. These programs, both extremely successful in the past despite limited funds, serve a vital function -- assisting low-income Americans who have difficulty paying their fuel bills. The DOE Weatherization Assistance Program has been shown to be especially effective at enabling low income citizens to afford their energy bills, while at the same time reducing their energy usage. The necessity for full funding of these programs will increase if the Administration's Btu tax is enacted. Major funding of \$334 million should be provided to the Weatherization Assistance Program to alleviate the (in some cases) one-year backlog of weatherization work that has been requested locally.

State Energy Conservation Program: Funding for the State Energy Conservation Program should be increased to \$46 million.

Demand-side management technology deployment: The Department of Energy has played a limited role in the development of utility DSM programs. Now that some DSM program technologies are maturing, there is a need to give attention to "second tier" technologies that have seen only limited implementation. DOE can help develop these technologies and determine their relevance to utility DSM initiatives, thus sharing both the risk and reward with the utility sector.

DOE can have influence on utility choice of DSM programs in several ways. First, DOE can work with utilities to understand the process by which DSM programs are chosen. Some technologies that are determined not to be cost-effective may actually have a significant impact on load shape, but at this time are too expensive, possibly because of limited penetration into the marketplace. Such factors can be identified by DOE working with manufacturers and utilities to try to overcome some of the barriers to effective implementation of such "second tier" technologies.

For example, DOE is supporting an effort to examine solar water heating as a utility demand-side management option. On its own, the solar water heating industry has seen only limited penetration in the marketplace. Utilities have paid little attention to the energy saving and peak reduction potential of solar water heating. As a result, DOE is studying, in coordination with the utility industry, the viability of solar water heating applications as a DSM option. Questions to be answered include: what are the high value installations that produce the biggest "bang for the buck," and using utility economics, what are the most cost-effective applications? By sharing risk with utilities to study this somewhat ignored DSM opportunity, DOE can play a catalyst role by introducing new (or re-introducing forgotten) technologies to the demand-side management agenda of utilities.

* The above efforts assisting utility DSM efforts should be funded by the IRP program in the Office of Utility Technologies. APPA urges this Subcommittee to direct, through language in the Committee's report, that this office undertakes the types of activities described above.

The Energy Policy Act of 1992 provides a renewed commitment to energy efficiency by the federal government in concert with utilities and state and local government. However, the promise of the Energy Policy Act of 1992 will not be realized if Congress does not appropriate adequate funds. Thus, to continue existing programs and to implement the Energy Act APPA recommends the following levels for DOE's energy efficiency budget: \$118 million for Buildings Technologies; \$190 million for Industrial Technologies; \$162 million for Transportation Technologies; \$17 million for Utility Technologies; \$100 million for the Federal Energy Management Program (FEMP); and \$85 million for Commercialization Activities.

In addition to funding recommendations, APPA would like to see Congress encourage DOE's energy efficiency programs to be more aggressive and creative in implementation and outreach with industry and utilities. DOE particularly should be looking at the aggressive approaches used by the market-based "Green" energy efficiency programs at EPA. At minimum, there should be true, cooperative efforts between DOE and EPA.

B. Fossil Energy Research and Development

Fuels cells promise a clean, modular and efficient form of power generation for the future. APPA recommends continued strong and balanced DOE funding in FY 94 of molten carbonate fuel cell development, as well as and demonstration of the technology in commercial applications. Two developers have attracted interest from electric and gas utilities in their efforts to commercialize molten carbonate technology. These utilities are offering tangible support in the form of purchase commitments and cofunding of early demonstration units. This support should result in the operation of prototype power generation plants by 1994. With current DOE support, the two developers are pursuing different paths, in terms of design philosophy and plant size of their initial products. APPA supports this diversity in approach since it is the best guarantee of early and successful commercialization of molten carbonate fuel cell technology. To ensure continuation of fuel cell commercialization, APPA recommends \$50 million in FY 94 funding for molten carbonate technology.

C. Electric Vehicles

Electric vehicles offer our nation a very effective means to reduce dependency on foreign oil while simultaneously reducing emissions from our transportation sector. The Department of Energy estimates

that if 22 percent of the vehicles in the United States were replaced with electric vehicles and electric hybrid vehicles, nearly one million barrels of oil per day could be saved. However, more work -- specifically on research, infrastructure development and commercialization -- must be done to make electric vehicles a viable option for American consumers.

The Energy Policy Act of 1992 included authorizations for the research, development and commercialization of electric vehicles. In order to adequately fund these programs, APPA requests that the Subcommittee appropriate the following in FY 94: \$75 million for electric vehicle research and development projects; at least \$5 million for Electric Vehicle Commercial Demonstration projects; \$8 million for cost-shared electric vehicles infrastructure and support projects; and \$10 million to assist state and local governments in developing and implementing incentive programs for alternative-fueled vehicles.

D. Endangered Species Act

APPA supports the Administration proposal for increased funding for the implementation of the Endangered Species Act.

STATEMENT OF KEN POYNTER, EXECUTIVE DIRECTOR, WILDLIFE SOCIETY

Thank you for the opportunity to testify to this Committee on behalf of the Native American Fish & Wildlife Society which has a membership of over 61 Tribes, 1,200 individuals and numerous member Commissions. Society members are currently involved in the technical initiatives that the Society sponsors, as well as, developing tribal technical fisheries, wildlife and recreation management initiatives that are critical to the preservation and protection of tribal resources.

The Native American Fish & Wildlife Society is requesting funding support for the following initiatives:

CONTINUED OPERATION OF THE NATIVE AMERICAN FISH & WILDLIFE SOCIETY: The Society requests that \$338,000 of PERMANENT FUNDING be included in the FY 1994 appropriation for a P.L. 93-638 contract to meet the needs of the Society's member Tribes. During the past year, the Society has provided technical services and assistance to over 100 Tribes in the areas of fish and wildlife management, education and environmental protection. Seven regional conferences (including Alaska) were held with associated technical work group meetings, as well as, one national conference, two summer youth practicums and 6 fisheries, wildlife and environmental training seminars were also held. In conjunction with these activities, four quarterly newsletters (with a circulation of over 1,500 each), promotion publications, informational management brochures and resource funding brochures were published and distributed nation wide.

As the Society's membership grows (both individual and Tribal), and the resource management capabilities of Tribes increase, there is an increased need for the services that the Society provides. This increase is also a direct result of the fact that a majority of the "Resource Tribes" have identified natural resource management as a priority in recent months. This increased interest in natural resource management is evident in the number of working sessions (January 6th session conducted by the Senate Select Committee on Indian Affairs), meetings (February 23rd-25th, Tribal Leaders Forum) and oversight hearings (February 18th U.S. House of Representatives Committee on Natural Resources Subcommittee on Native American Affairs) in Washington, D.C. alone that have been conducted since the beginning of January of this year. This increased interest has already begun to put a strain on the financial resources that the Society requires to provide services and further our mission. If this trend continues, as is every indication, the Society will require additional funding in the amount of \$100,000 for FY 1994. **Total 1994 request \$438,000.**

Native American Fish & Wildlife Society Education Programs: During the past two years, the Society has made an intensive effort to develop education and training opportunities for Tribal members and professionals. The purpose of these education and training initiatives are to provide opportunities for high school aged Indian students to be introduced to the many professions in the natural resource field, establish cultural natural resource related curriculum in accredited American Indian Community Colleges and to provide on going, state-of-the-art training in natural resource management techniques.

In 1991 and 1992 the Society conducted two Native American Environmental Awareness Summer Youth Practicums to enhance youth appreciation and understanding of Tribal natural resources and to encourage them to consider careers in these fields. A total of 66 Native American youth have participated in the two practicums since its conception (25 in 1991 and 41 in 1992). The increased interest and positive enthusiasm (by the participating students) attests to the value and success of the program. It is the intent, and hope, that in five or six years the professional Native American natural resource managers that are used as Practicum instructors will be some of the original students that participated in the first Environmental Practicums. To expand this program and reach as many potential participants as feasible (100 students) the SOCIETY REQUESTS \$100,000 FOR THE 1994 PRACTICUM.

The Society has conducted over twenty regional trainings in natural resource related subjects in the past two years (FY91 and FY92), which benefitted over 1,500 Indian and non-Indian professionals who currently work in natural resource related fields. To continue to expand this training program, THE SOCIETY NEEDS \$250,000 TO CONDUCT 25 TRAINING COURSES THROUGHOUT THE COUNTRY IN FY 1995.

The Society is in the process of developing a Regional and National Fish and Wildlife Educational Program for Native Americans. Historically, Native Americans have had a strong, close cultural and spiritual relationship with the environment including fish and wildlife. The existence of animal societies, clans, dances, etc. indicates the Native American's historical bond to, and their understanding of, knowledge, and respect for fish and wildlife. However, in the past 80 years, this bond and knowledge has not been incorporated into professional management programs with adequate personnel and funding to effectively manage the Tribal fish and wildlife resources. To accomplish this important task, the Society's program is designed to train natural resource managers in understanding and integrating traditional Native American natural resource practices, techniques and experiences, including spiritual and ceremonial aspects with contemporary resource management and sciences. The education program will develop and implement academic programs which:

- Educate Indian & Non-Indian students/teachers/professionals in aboriginal and treaty rights and natural resources.
- Traditional natural resource practices, techniques, and philosophies (i.e. controlled, prescribed burns).
- Native American holistic approaches to natural resource management.
- Identify contemporary Native American natural resources issues and programs.
- Develop & sponsor a national Native American speakers bureau.
- Develop "state of the art" natural resource curriculum for Native American colleges and universities.
- Facilitate and coordinate scholarships, grants, internships, etc. for Native Americans in natural resource fields. The educational program will be coordinated by a National Director with a network of Coordinators at selected, major, universities throughout Indian Country and will work through the network of Native American Colleges on the various reservations. To initiate the program, the Society requests funding of \$1.2 million for FY94. Subsequent years will also require \$1.2 million per year for four years.

The total request for the Society Education initiative is \$1,550,000 and should be earmarked for the Society from the existing BIA education budget.

Conservation Enforcement Program: The BIA is currently developing a national conservation law enforcement program for Native Americans. Currently, Native Americans who wish to get Conservation Enforcement training attend the BIA Police Academy in Marana, Arizona. Although the basic police training is beneficial, little or no conservation enforcement training is offered at the Academy. The lack of adequate conservation law enforcement training for Native Americans has presented a problem in many of the regions throughout the country. Collectively, Native people control and manage approximately 94 million acres (including Alaska). The Society supports the proposed BIA Conservation Enforcement Program initial budget needs of \$160,000 for FY 1994.

The Great Lakes Region of the Society requests funding in the amount of \$94,000 in FY94 to hire a training coordinator, who will work with each Reservation, and Conservation Officer to develop and implement regional comprehensive training programs.

Tribal Environmental Protection:

The Indian Environmental General Assistance Program Act of 1992 (PL 102-497, Sec. 11, 42 USC 4368b) will provide for the continuance of a cooperative effort between the Tribes, USEPA and other federal and state agencies. However, appropriation of \$15 million is authorized by this Act, but only \$6 million has been provided. The Society supports the full funding of \$15 million to Tribes for multi-media programs as well as, the Great Lakes Tribal Multi-Media Indian Environmental General Assistance Program. Funding requirements of the 30 Great Lakes Tribes include a baseline of \$75,000 per Tribe, per year, and the ability to access funds for specific projects from USEPA Regional Program offices. Total FY94 baseline funding required to implement the General Assistance Program for the 30 Tribes of USEPA Region 5 is \$2.250 million. And further, the Society strongly supports additional funding in the amount of \$38 million directly to Tribes needed nation wide to further their environmental protection efforts as is identified by EPA's Indian Resource Task Force Report. Further, this report has got to be updated to reflect FY94 dollars.

Tribal Fish, Wildlife and Recreation Management Programs: The Society would like to testify in support of increased funding for Tribal fish, wildlife, recreation and wetlands program requests. Some individual program requests that the Society supports and would like to specifically list are the following: The Cheyenne River Sioux Tribe "Prairie Management Plan" which requires \$10.4 million dollars over a 5 year period; Funding in the amount of \$273,418. for the Western Shoshone Wildlife & Plant Resource Commission Wildlife Program; San Carlos Wildlife Program request of \$1.2 million; Pueblo Laguna Wildlife Conservation Program request of \$344,000; and funding in the amount of \$240,900. for the Devils Lake Sioux Tribe/Little Hoop Community College Fish & Wildlife Management Program. These specific Tribal projects

are in addition of the 80 proposed Tribal fish and wildlife management projects (including Alaska) that have come to our attention. These projects reflect the desire on the part of Tribal governments across the country, not only to professionally manage their natural resources to protect and enhance the resource, but to realize true self determination and illustrates their commitment to future generations. These 80 projects require an initial funding level of \$20 million dollars for FY 1994.

The Society membership urges Congress to allow Tribal participation in the Federal Aid in Sport Fish and Wildlife Restoration Programs. The U.S. Fish & Wildlife Service (USFWS) administers the federal aid program funds, in excess of \$400 million annually, to all 50 states, as well as, Puerto Rico, N. Mariana Islands, District of Columbia, Guam, Samoa and the Virgin Islands. However, none of this money is provided to Tribes. The federal legislation, known as the Dingell-Johnson/Wallop-Breaux (fish) and Pittman-Robertson (wildlife) Acts does not identify Tribes specifically as participants or recipients of these funds. The Society strongly urges that Congress earmark \$4.5 million of the USFWS DJ/PR Administrative funds from "Special Projects" for Tribes during FY94. The Society will assist the USFWS in coordinating Tribal proposals, allocations and monitoring of the \$4.5 million allocated to Tribes beginning in FY94. The Society further requests that Congress amend DJ/PR/WB to specifically include Tribes.

Wetlands: Wetlands/Waterfowl Management on Tribal lands continues to be a priority with Tribes and detrimental to the preservation and enhancement of the resource (waterfowl) that depends on it. The Society supports the initiatives that Tribes are developing. The Circle of Flight project in the Great Lakes Region with FY 1994 funding needs of \$893,300 and the Wingbeats Over the Prairie project in the Great Plains Region with FY 1994 funding needs of \$2,031,000, are two major management initiatives totaling \$2,924,300 million that have demonstrated a professional approach to Tribal wetlands/waterfowl management. These two initiatives alone, represent major areas of the "flyway" and contribute significantly to the over-all management of the resource.

STATEMENT OF CAROL WERNER, DIRECTOR, ENVIRONMENTAL AND ENERGY STUDY INSTITUTE

Mr. Chairman and Members of the Subcommittee, I am submitting this testimony in support of the Clinton's administration's budget request for DOE's conservation activities for fiscal year 1994. We applaud the Clinton administration's emphasis on energy efficiency, renewables and natural gas and urge you and your colleagues to fully fund the Administration's request for energy efficiency R&D and grant programs.

In late 1992, we participated in a loose coalition of 110 organizations -- environmental, energy policy, consumer, public health, community groups and governmental entities -- to put together two documents, the Sustainable Energy Blueprint and the Sustainable Energy Budget, to give the new Clinton administration and the new Congress an outline for a comprehensive, yet achievable path to a sustainable energy future that would protect the environment, preserve public health, enhance national security, and strengthen the economy and create jobs. We encourage you to review the detailed recommendations outlined in those two documents, which are attached.

The Sustainable Energy Budget recommended reorienting DOE's budget priorities by redirecting \$1 billion from energy sources such as nuclear fission and fusion to energy efficiency, renewables and natural gas. We believe energy efficiency, renewables and end-use natural gas programs should receive increased funding, as such a shift in funding is imperative for putting the country onto a sound, sustainable energy path. The recommendations of the Sustainable Energy Budget reflect our perception of needs as well as our understanding of what projects can be undertaken with money well spent.

Last year Congress passed the Energy Policy Act of 1992 (EPACT), P.L. 102-486, which authorized numerous energy efficiency rulemakings, programs, and policies. In Title I, the energy efficiency title, there are ten provisions requiring rulemakings of some kind, eight provisions authorizing the provision of technical and/or financial assistance, a new pilot program and a new demonstration program, seven grant programs, fifteen reports, and thirteen other provisions which will require funding.

Energy Efficiency Research and Development

The recommendations made in the Sustainable Energy Blueprint and Budget for funding DOE's buildings, industry, transportation, and utility programs reflect the expected impact of EPACT as well as some other initiatives that have potentially high efficiency and economic payoffs.

The administration requested \$98.4 million for DOE's Buildings Program, a major increase from FY 93's \$53 million. This request reflects both the energy consumption attributable to this sector of the economy, the great efficiency gains that could be made, and EPACT mandates.

The energy used for lighting, heating and cooling buildings; running appliances; and providing hot water for cooking and cleaning accounts for more than one-third of U.S. energy consumption. If architects and developers design and build offices, homes, warehouses and factories so that energy use is minimized and the use of natural lighting and solar heating and cooling is maximized, enormous energy savings can be realized. The benefits of "sustainable building design" are more affordable housing, reduced environmental costs, and decreased need for utilities to build expensive, new energy facilities to meet summer demand for air conditioning and winter demand for heating.

According to the Office of Technology Assessment, energy consumption in federal buildings could be reduced by at least 25 percent, saving the American taxpayer \$1 billion annually, by investing in commercially available technologies for heating, cooling, lighting, and appliances. We support the administration's request for \$19.6 million for FEMP activities for fiscal year 1994. This request signalled the administration's commitment to meeting the goal established by EPACT of reducing federal energy use by 20 percent by the year 2000. We applaud the administration's FEMP initiatives and urge that they be fully funded. However, we think the establishment of a \$100 million revolving loan fund -- as recommended in the Sustainable Energy Budget -- to be drawn on by federal agencies to fund cost-effective energy efficiency building improvements makes sense and we urge you to explore this idea.

Although the Sustainable Energy Budget recommended that DOE's Industry Program be funded at \$190 million for FY 1994, we are glad the administration has requested an increase to of \$137.1 million for DOE's Industry Program. We are disappointed that funds were not requested for the state industrial energy efficiency grant program established in section 132 of EPACT. We are very supportive of this grant program and would like to see it funded in future years. The industrial sector accounts for approximately 36.4 percent of all U.S. energy consumption. Improvements in the energy efficiency of the industrial sector will strengthen the international competitiveness of American manufacturers and help keep jobs and firms in the United States.

The Sustainable Energy Budget recommended that Congress fund DOE's Utility Program at \$17 million for FY 1994, a substantial increase over the \$5 million appropriated in FY 1993. The administration requested \$6.8 million. The funding recommendation of the Sustainable Energy Blueprint included \$5 million for grants (of up to \$250,000 per state) to state regulatory authorities to encourage demand-side management (DSM). Active promotion of DSM by regulators often facilitates serious commitments from utilities. DOE has a successful record of providing state regulators with skills training, up-to-date information, and analytic models. The administration did not request funding for this grant program. We believe this grant program, authorized by EPACT, should be funded. The Blueprint Budget recommendation also included \$2 million to provide state regulators with technical assistance to engage in gas integrated resource planning (IRP), a relatively new area for most state regulatory authorities.

We support the administration's request for \$184.7 million for DOE's Transportation Program for fiscal year 1994 which is actually more than the Blueprint recommendation of \$161.7 million. The difference is largely accounted for by the request for stepped up funding for the acquisition of alternative-fuel vehicles for the federal fleet. The Congress appropriated \$140.7 million in FY 1993 for DOE's Transportation Program.

We are very encouraged by the administration's recognition of the potential value of fuel cells in the transportation sector and strongly support the administration's request for \$18 million for fuel cell research within the conservation transportation program. Fuel cells are on all of the nation's critical technologies lists, and yet the United States is allowing itself to fall behind Japan and other economic competitors in fuel cell technology. The United States is under-investing in fuel cell research. Many technology forecasters and policy analysts believe that fuel cells will displace traditional internal combustion engines in passenger vehicles within two decades. Throughout this past winter Ballard Power operated a 21-person polymer membrane (PEM) fuel-cell powered bus in Vancouver, British Columbia. If fuel cells are going to be the major industry many foresee in the near future, it is critically important that America develop and commercialize this technology. Supporting the development of fuel cells capable of powering light duty vehicles should be a priority of this subcommittee. This could be some of the best money ever spent.

We urge you to fully fund the administration's \$4 million request for joint ventures. Joint ventures were authorized by EPACT as well as P.L. 102-218, the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989. Funding these joint ventures will help bring important energy efficiency technologies into the marketplace.

Office of Technical and Financial Assistance

In light of the significant reduction in the availability of oil overcharge funds, the tremendous success of both the Institutional Conservation Program (ICP), also known as the schools and hospitals program, and the State Energy Conservation Program (SECP), and the continuing need for federal

support for these state-delivered programs, we urge you to fully fund the administration's budget request of \$28.915 million for the ICP program and \$32.310 million for the SECP programs.

Since the late 1970s, the SECP and ICP program have delivered energy savings to thousands of consumers, farmers, schools, hospitals, and businesses in all fifty states. These programs have saved energy, reduced pollution, created jobs and stimulated economic development. SECP-funded initiatives range from identifying efficiency investments that boost industrial productivity, to reducing fuel use in agricultural irrigation, to improving building codes. The SECP programs have been a test-bed for many technologies and policies which were then subsequently replicated at a regional or national level.

The Clinton administration requested \$239.393 million for the Weatherization Assistance Program (WAP). We support the administration's request for WAP, even though the Blueprint Budget recommended funding WAP at \$334.4 million. The administration's request reflects both the success achieved by the program and the continuing need to weatherize low-income housing to make it more affordable for the poor and the working poor.

The U.S. Department of Energy (DOE) estimates that the SECP, ICP and WAP programs shaved approximately 5 percent from annual energy consumption in the United States. The \$5.9 billion of federal support for state energy programs between 1976 and 1992 has resulted in more than \$25 billion in annual energy savings for American consumers, hospitals and schools, farmers and businesses.

As mentioned above, the state energy offices have been supported in large part by petroleum violation escrow (PVE) funds since 1986, money which became available as a result of settlements of legal actions by DOE against oil companies. Because the vast majority of PVE funds have been spent, additional appropriations will be required if federal funding levels for the state programs are to be maintained. We believe that these programs are critical avenues to assist the commercialization and deployment of efficiency and renewable energy technologies.

We also strongly support the Administration's \$2.977 million request for the Municipal Energy Management program for FY 94. This program which has been delivered through the Urban Consortium has been a source of numerous innovative energy efficiency and alternative fuels programs and demonstration projects and has demonstrated the ability to leverage substantial funds with a very small investment. These kind of partnerships at the local government level need to be encouraged.

We recognize that you must work within the constraints of the budget process and that there are competing interests for scarce federal dollars. However, as you know, investments in energy efficiency have tremendous economic payoffs, as well as environmental benefits. Improving manufacturers' energy efficiency translates into lower product prices, a more internationally competitive manufacturing sector and more jobs. Someone whose home is insulated has more money to buy other goods. Through auto efficiency improvements, development of fuel cells, and development of alternative fuel vehicles, we can reduce our reliance on oil, improve the balance of trade and improve air quality and reduce CO₂ emissions. To meet U.S. commitments under the U.N. Framework Convention on Climate Change signed last year, significant energy efficiency gains will need to be made in every sector.

The Subcommittee's increased support of energy efficiency programs is vital.

STATEMENT OF JAMES E. BILLIE, CHAIRMAN, SEMINOLE TRIBE OF FLORIDA

Summary. The Seminole Tribe of Florida has one request related to the FY 1994 Indian Health Service (IHS) budget request, and two requests related to the Bureau of Indian Affairs (BIA) budget request. First, the Tribe asks this Subcommittee to earmark \$575,000 in the IHS Sanitation Facilities account for the completion of improvements in the public water supply and wastewater treatment systems on the Tribe's Big Cypress Reservation. These projects were begun with previously appropriated funds. The amount requested, together with funds that the Tribe has committed and certain carry over appropriations, will allow completion of these projects. Second, the Tribe requests that the amount in the President's BIA budget request for the direct costs of the Tribe's water resource management program, in the Tribe/Agency Natural Resources account, be increased to \$722,000, to cover the Tribe's projected actual direct costs for FY 1994. Third, we ask that this Subcommittee continue its support for rehabilitation of water control systems on the Tribe's Reservations by recommending an additional appropriation of \$500,000 in the BIA Irrigation Construction account for the direct costs of completing major rehabilitation work on the surface water control system of the Tribe's Big Cypress Reservation, as well as design of stormwater treatment areas, as recommended by the Soil Conservation Service.

Big Cypress Public Water Supply and Waste Treatment Systems. The Tribe faces a critical set of problems relating to the public water supply (PWS) system and wastewater treatment

system operated by the Tribe on the Big Cypress Reservation. The drinking water smells and tastes so bad that people are afraid to use it for cooking and drinking. The recently constructed wastewater treatment plant was built without certain necessary components due to the shortage of funds. We request that this Subcommittee help to solve these problems by earmarking \$575,000 in the Indian Health Service (IHS) Sanitation Facilities account for FY 1994 to complete the renovation of: (1) the treatment system to improve the quality of water provided by the PWS; and (2) the wastewater treatment system. Because these are such critical problems, the Tribe has committed \$118,000 of funds under Tribal control to carrying out the solutions.

In recent years IHS identified the need for renovations in both the water supply and wastewater treatment systems as part of the IHS Sanitation Facilities Deficiencies list, pursuant to the Indian Health Care Improvement Act, as amended. In FY 1991, IHS allocated \$225,000 for improvements in the water treatment system to deal with the poor quality of water delivered for human consumption, which is high in hardness, hydrogen sulfide and manganese. The quality is so poor that tribal members with limited financial resources must buy bottled water for drinking and cooking. IHS and Tribal staff have analyzed a range of options including proposals submitted by engineering firms, but they have found that the available funds are not adequate to implement a solution. Of the FY 1991 funds, IHS has spent some \$48,000 for project planning, leaving \$177,000 available for construction. The additional amount needed is \$623,000, for a total of \$800,000.

Wastewater treatment became critical in FY 1991 when the old treatment plant on the Reservation ceased to function, and IHS provided \$103,000 toward the construction of a new wastewater treatment plant. The Tribe contributed \$67,000 of Tribal funds, and a new plant was built, although the federal and Tribal funds available for the wastewater treatment plant were not sufficient to complete all the components of the new plant. In particular, an emergency generator is needed so that sewage will not back up during power outages. In addition, the new wastewater treatment plant makes use of the previously existing settling pond, and the pond liner needs replacement to alleviate the threat that improperly treated sewage will percolate into the ground water. IHS has estimated that the cost of completing the wastewater treatment plant will be \$70,000.

Thus, based on IHS estimates, the amount of funds needed to complete these two Sanitation Facilities Deficiencies list projects is \$693,000. (This is the amount needed in addition to the \$177,000 in FY 1991 funds already allocated for the water treatment plant improvements.) Because these two projects are critical to the welfare of Tribal members, the Tribe has committed \$118,000 from its "in-kind" fund, which was set aside for the benefit of the Tribe by state authorities under the settlement approved in the Seminole Indian Land Claims Settlement Act of 1987, 25 U.S.C. §§ 1772 to 1772g. The "in-kind" fund is administered by the South Florida Water Management District (SFWMD), and the Tribe has used this fund in recent years as a source of non-federal matching funds and for other projects relating to the environment of its reservations. The Tribe's commitment to use it for completion of the water treatment and wastewater plants will exhaust the "in-kind" fund.

With the Tribe's commitment of \$118,000 for completion of the two deficiencies list projects, the amount needed to complete these projects will be reduced to \$575,000. This is the amount that the Tribe asks this Subcommittee to earmark in the FY 1994 IHS Sanitation Facilities account. An IHS memorandum summarizing the estimated cost of completing the water supply treatment plant and detailed budgets are included as Attachment A.

Support for the Water Resource Management Department. We ask the Subcommittee to recommend an appropriation of \$722,000, \$179,000 over the budget request, under BIA Natural Resources Tribe/Agency for the Seminole Tribe's Water Resources Management Department (WRMD). In FY 1993, the amount appropriated was \$542,900. The existence of this Tribal regulatory agency has made it possible for the Tribe to assume a prominent role in protecting the environment of the Everglades watershed. In addition to its role as a regulatory agency, the WRMD provides a wide range of technical assistance to other Tribal Departments in their activities relating to water resources. This includes assistance regarding compliance with the Tribe's approved land use plans and help with the preparation of environmental assessments so that any adverse environmental impacts of Tribal activities can be either avoided or mitigated. The fact that the WRMD has achieved the status of a functioning tribal regulatory agency has enabled the Tribe to work cooperatively with a number of state and federal agencies, including the SFWMD, EPA, the Corps of Engineers, and the Soil Conservation Service, to be part of the solution to the environmental problems of south Florida.

The progress that the Tribe has realized in the last six years in carrying out its responsibilities under the Water Rights Compact has been made possible by funds that your Subcommittee has provided. Over a four-year period, FY 1988, 1989, 1990 and 1991, the work

of the WRMD was funded at a level of \$500,000 annually, and the level of support was increased in FY 1992 to \$545,200 for the direct costs of the Seminole Tribe's WRMD. In FY 1993, the amount appropriated was \$542,900. The Tribe's WRMD anticipates that it will need to automate the water quality sampling process, train staff to analyze meteorological information, assist in the management of the rehabilitation of the Big Cypress surface water control system, develop management plans for both the Brighton and Big Cypress surface water control systems, and provide an effective aquatic weed control program for both these Reservations. The amount needed in FY 1994 funds for the direct costs of the WRMD is \$722,000. A line-item budget for the operation of the WRMD is included as Attachment B.

Big Cypress Water Control System Rehabilitation. We ask this Subcommittee to recommend \$500,000 in FY 1994 appropriations under BIA Irrigation Construction for rehabilitation work on the surface water control system on the Big Cypress Reservation, including the design of two stormwater treatment areas to remove nutrients and other pollutants from surface waters before discharge into canals that flow into the Everglades. Completion of the stormwater treatment areas will complete all surface water management rehabilitation work at Big Cypress. We appreciate the fact that, in every year since FY 1988, Congress has added funds in the BIA Irrigation Construction account for rehabilitation of the water control systems on the Tribe's Brighton and Big Cypress Reservations. Since FY 1988, approximately \$2.5 million has been allocated for rehabilitation work on the Brighton Reservation. From FY 1990 through FY 1993, Congress appropriated a total of \$1,704,000 for the rehabilitation work of the surface water management system on the Big Cypress Reservation, in accordance with the recommendations of a study by the U.S.D.A. Soil Conservation Service (SCS). The FY 1994 funds that the Tribe requests now would enable the Tribe to complete that rehabilitation on Big Cypress. It should be noted that the rehabilitation work has been conducted by the Tribe itself, rather than through outside contractors, and this has provided much needed training, experience and employment for tribal members.

The Tribe is requesting funds for the cost of design work for stormwater treatment areas at the terminus of the network of rehabilitated surface water conveyance systems on the Big Cypress Reservation. The stormwater treatment areas are called for in the environmental assessment that was incorporated into the SCS Study, in accordance with the National Environmental Policy Act in order to assure tribal compliance with the stringent water quality standards needed to protect the sensitive environment of the Everglades. The Tribe has a very strong concern for preserving the quality of the environment and has established a modest water quality monitoring program for water flowing onto and leaving the Big Cypress Reservation. These stormwater treatment areas would reduce the concentrations of phosphorous and other nutrients in water leaving the Reservation in order to help protect and restore the biological integrity of the Everglades ecosystem downstream from the Big Cypress Reservation. Implementation of the stormwater treatment areas is projected for FY 1995 and FY 1996, with cost projections to be developed in FY 1994 based on design work.

A line-item budget for the Big Cypress water control system rehabilitation, as well as the design work for the stormwater treatment areas, is included as Attachment C.

STATEMENT OF MARCUS E. MILLING, EXECUTIVE DIRECTOR, AMERICAN GEOLOGICAL INSTITUTE

The American Geological Institute (AGI) appreciates this opportunity to present testimony in support of fiscal year 1994 appropriations for the U.S. Geological Survey and the Department of Energy's Fossil Energy Research and Development Program. AGI is a nonprofit federation of 23 geoscientific and professional associations that represent more than 80,000 geologists, geophysicists, and other earth scientists. In addition, 115 colleges and universities are AGI Academic Associates, and 30 companies are AGI Corporate Members.

These are times of great challenge and opportunity for the geosciences. Global climate change, natural disasters, energy resources, and water quality issues are reported daily by the news media. Geoscience information plays an increasingly important role in an ever growing range of societal issues. When it comes to appropriations for geoscience research and development, nothing less than the survival of our way of life and our planet are at stake.

Federal investments in geoscience research and development continue to pay enormous dividends. For example, the U.S. Geological Survey reports that the successful prediction of the 1991 eruption of Mt. Pinatubo in the Philippines saved thousands of lives and billions of dollars in U.S. military equipment. In February, the National Academy of Sciences released a report, *Solid-Earth*

Sciences and Society, that documents how geoscience research and information enhance society's ability to make wise decisions on resource development, waste disposal, environmental protection, natural hazards reduction, and land use.

U.S. Geological Survey

Earth science in the public service is the central mission of the U.S. Geological Survey (USGS). Virtually every American citizen and virtually every federal, state, and local agency benefits either directly or indirectly from USGS products and services. The USGS is internationally recognized for its scientific and technical achievements. AGI supports and encourages the increasing emphasis the USGS places on responding to the changing needs for earth science information, and on the rapid and effective transfer of information and technologies to its user communities. The USGS has been designated as the lead federal agency responsible for the coordination of both geographic data and water resources information. The Mapping Division, long known for its traditional paper maps, is responding to the explosive growth in geographic information systems and other computer technologies by accelerating the production of map data in digital forms. The Water Resources Division has responded to mounting concerns about water quality by embarking on an ambitious program to conduct a systematic, consistent assessment of the nation's water resources. The Geologic Division provides critical information that advances our understanding of the Earth and helps guide environmental protection, responsible development of natural resources, and land-use planning.

Long-Term Budget Trends. Despite the growing importance of its mission, the USGS budget failed to keep pace with inflation during the past twelve years. From fiscal 1981 to 1993, the USGS budget (appropriated funds and reimbursements) declined by 8 percent in constant dollars, and the budget for the Geologic Division declined by 28 percent. AGI recognizes that the Senate Appropriations Subcommittee on Interior and Related Agencies has repeatedly restored cuts in the USGS budget, and we commend the subcommittee for its actions. AGI urges the subcommittee to support a resumption of real growth for the entire USGS, and to begin redressing the long-term negative growth of the Geologic Division. It is ironic that the USGS budget declined over a period when the nation recognized its increasing vulnerability to geologic hazards, global environmental change, water pollution, improper waste disposal, and reliance on unstable sources of foreign oil and minerals.

National Geologic Mapping Act. Geologic maps are essential for making informed, cost-effective decisions about environmental protection and remediation, waste disposal, resource assessment and development, land planning, geologic hazards reduction, and rebuilding the nation's infrastructure. According to the Association of American State Geologists, the United States is the most poorly geologically-mapped nation in the industrialized world. Detailed geologic maps have been produced for less than 20 percent of the United States. The National Geologic Mapping Act of 1992 was enacted to increase the production of detailed geologic maps. It authorizes a total of \$42.75 million in fiscal 1994, including \$18 million for matching grants to states. The state geological surveys are eager to implement this program to meet critical information needs in their respective states. They have certified that state funds are available to match the full amount authorized for the state geologic mapping component in fiscal 1994. Full funding of the Act could avoid costly tragedies and massive waste that may result if major environmental or infrastructure projects were undertaken without adequate geological characterization and natural hazards assessments. AGI urges the committee to appropriate new, incremental funds for the National Geologic Mapping Act.

Global Change Research Program. The USGS plays a critical role in the U.S. Global Change Research Program. For example, USGS paleoclimate studies are establishing the rates, frequencies, and magnitudes of natural climate variability as well as the effects of past climate changes on ecosystems. The USGS global change hydrology program is also an integral part of the interagency research plan. Eleven federal agencies have a major involvement in the Global Change Research Program, and a failure to provide adequate funding for the baseline studies being conducted by the USGS could undermine the effectiveness of the entire program, which has a total budget of more than \$1 billion per year.

Geologic Hazards. The reduction of geologic hazards provides a clear example of linking science and technology to societal goals. If recent history is a reliable guide, then funds spent on geologic hazards reduction programs will be repaid many times over by reduced losses, reduced loss of tax revenues, and reduced expenditure for federal emergency and disaster relief funds. According to the 1993 *Report of the Advisory Committee of the National Earthquake Hazards Reduction Program* (NEHRP), USGS funding for NEHRP systematically declined in constant dollars from fiscal 1981 to 1989, after which a moderate, temporary increase was stimulated by the Loma Prieta earthquake. Although large earthquakes and volcanic eruptions are rare phenomena, it is in the national interest to fund geologic

hazards reduction programs on a sustained basis. Strong and stable funding is needed for the USGS's Earthquake Hazards Reduction Program and Volcano Hazards Program.

National Water Quality Assessment. The National Water Quality Assessment program provides a baseline for monitoring trends in the quality of a large, representative part of the nation's streams and ground water. The data provide an understanding of the primary natural and human factors affecting the quality of those resources. This information will be useful in dealing with such questions as whether or not regulations can be targeted to specific water-quality constituents in sensitive hydrologic settings. The National Water Quality Assessment program is another clear example of earth science in the public service.

DOE Fossil Energy Research and Development

The nation's demand for oil and natural gas is increasing. At the same time, U.S. oil production continues to decline requiring increasing imports of costly crude oil and refined products. In 1992, the U.S. imported more than 6 million barrels of oil a day at a cost of about \$50 billion dollars. Through development and application of advanced discovery and recovery technologies the U.S. can stabilize domestic oil production for the next 40 to 50 years.

AGI is pleased and encouraged by the Department of Energy's recent action to refocus its oil and gas R&D programs to include near-term and mid-term needs as well as its traditional long-range, high-risk elements. We recommend that support for more applied near-term recovery research be continued and expanded.

Advanced Oil Recovery Initiative. DOE's oil reservoir class demonstration projects have attracted an impressive response from industry and other petroleum R&D organizations. Almost a half billion dollars in non-federal money have been bid on cost-sharing in this program -- against less than \$100 million in federal funding. Focused geoscience research can improve our understanding of reservoir heterogeneities and lead to better-designed recovery projects to increase ultimate recovery. AGI recommends expanding the oil reservoir class projects in fiscal 1994 to capitalize on available cost-shared support. In addition, we suggest a similar program be developed to increase research related to gas reservoirs.

Gas Research Program. Increased utilization of natural gas is a central theme of the Clinton-Gore Administration's energy policy. If we are to be successful in a transition to greater use of natural gas, we must conduct geoscience and engineering research to characterize our known gas resources in order to encourage increased exploration and development of the massive undiscovered gas resource base. Balanced support for development of technologies and advances in geoscientific understanding to improve recovery from both unconventional and conventional gas resources is needed to assure continued supplies at reasonable costs in the mid-term and beyond.

Geoscience Data Repository. Domestic geological and geophysical data are critical to the energy security and economic prosperity of the United States. A consequence of the ongoing downsizing of the U.S. oil and gas industry is that billions of dollars worth of domestic geological and geophysical data are in jeopardy of being irrevocably lost or destroyed. The data truly represent a national treasure, and many professional societies, industry organizations, state geological surveys, and research universities are deeply concerned about the accelerating loss of information. The geoscience community is working with DOE to assess the feasibility of establishing a national geoscience data repository system for the use of industry, government, and the scientific research community. According to many independent oil producers, a national geoscience data repository system would enable them to expand their search for and development of domestic oil and gas resources. We strongly encourage this committee to closely review this critical national need and work with the Department of Energy to ensure that valuable geoscience information is not lost.

Technology Transfer. Independent producers do not have access to existing and emerging advanced exploration, reservoir management, and production technologies. AGI is pleased that the Independent Petroleum Association of America (IPAA) has taken the lead in addressing the technology needs of independent oil and gas producers. Working with DOE, IPAA has convened a Petroleum Technology Transfer Council to identify the needs of the independent producing industry in the technology transfer area and to report to the Department of Energy how these needs may best be addressed. We support this major step and encourage DOE and congressional support of this effort as it is in the best interests of the nation.

This testimony was prepared by Dr. Craig M. Schiffries and Dr. Marcus E. Milling. AGI would be pleased to answer questions or to provide additional information for the record.

STATEMENT OF THE CENTER FOR MARINE CONSERVATION

On behalf of the Center for Marine Conservation and our 110,000 members, we request the Subcommittee's continued support for the Archie Carr National Wildlife Refuge in east central Florida. We request that \$15 million of FY 1994 funds from the Land and Water Conservation Fund (LWCF) be appropriated for the Refuge to acquire critically important nesting beaches for threatened loggerhead sea turtles and endangered green sea turtles on the Atlantic coast of Florida.

The Archie Carr National Wildlife Refuge, located along a 20-mile stretch of mostly undeveloped barrier island coastline 50 miles south of Cape Canaveral in east central Florida, still continues to support extremely high levels of sea turtle nesting. In recent years as many as 16,000 loggerhead sea turtle nests as well as several hundred green sea turtle nests have been laid within the boundaries of the refuge, highlighting the importance of this area as adjacent beaches are developed and modified. This constitutes approximately 25 percent of the loggerhead nesting and 30-35 percent of the green turtle nesting in the United States.

To date, local, state and federal monies totalling more than \$45 million have been spent to safeguard these nationally and internationally significant beaches, and slightly more than half the necessary parcels have been acquired. Nevertheless, impending development threatens the integrity of the refuge and a major effort to buy existing undeveloped tracts must be made this year. Because past and present federal expenditures of \$5.5 million have lagged well behind the \$40 million investment made by Brevard County, the State of Florida and local foundations, we urge that federal appropriations increase significantly this year.

The Recovery Plans for each of these species, developed by leading sea turtle biologists in the United States, identify protection of nesting habitat as a major concern and recommend fee title acquisition of the undeveloped nesting beaches identified for the Archie Carr National Wildlife Refuge as a first priority. Throughout the southeast, development of coastal habitat and the disturbance associated with human presence have had adverse effects on sea turtle nesting. For example, sea turtles have nearly completely abandoned traditional nesting sites in Fort Lauderdale, Miami and other coastal Florida cities in the last two decades as beachfront development has proliferated.

Over the last four years the Fish and Wildlife Service, the State of Florida, Brevard County (within whose boundaries the northern half of the refuge lies), and local land trusts have made significant strides toward safeguarding this area. Over the next few years the acquisition of remaining identified beaches by the Fish and Wildlife Service and other cooperators in this project are necessary to complement lands already held in public ownership, resulting in the preservation of 13-14 miles of beaches and the overall protection of the 20 mile stretch of coastline.

However, time is of the essence. These lands are growing more costly each day, and some are currently threatened with development which could preclude acquisition and use for the refuge in the future. On March 31, 1993, the Walt Disney Company announced plans to develop a major beachfront resort just a few miles south of the refuge in Indian River County. This has already increased pressure for development of lands within the refuge boundaries and, of course, increased acquisition costs of refuge lands.

These beaches host the largest concentration of nesting loggerheads and green sea turtles in the United States. This nesting habitat needs to be preserved while it is still available to ensure the continued nesting of these threatened and endangered species. The U.S. Fish and Wildlife Service recognizes that protecting these beaches now will avoid our having to underwrite heroic efforts to save these species in the future. Furthermore, we believe that this project exemplifies the best of what the creators of the Land and Water Conservation Fund envisioned in protecting habitat for endangered species and land for recreation.

While federal support has bred state and local support, it has not kept up with federal commitments. Over the last three years, the State of Florida, Brevard County and local land

trusts have contributed tens of million of dollars for acquisition of lands within the refuge. In December, Florida's Conservation and Recreational Lands Program (C.A.R.L.), upgraded the refuge's rank from #8 to #5 on the state's list of 60 active projects, reaffirming their commitment to this project. The Recovery Plans for loggerhead and green sea turtles, approved and published by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service, propose that federal appropriations to date should have been \$27 million, five times more funding than has been appropriated. If significant additional tracts are not purchased shortly, development may jeopardize the value of already acquired lands within the refuge. Preserving these lands now represents an investment for the future.

The United States Congress has made the Archie Carr National Wildlife Refuge a reality. We ask that your commitment to this project continue to carry it through to its completion. Thank you for your consideration of our request for \$15 million for this remarkable national treasure.

STATEMENT OF THE AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM

On behalf of the 29 member institutions comprising the American Indian Higher Education Consortium (AIHEC), we thank the Senate Appropriations Subcommittee on Interior for extending to us this opportunity to express our views on behalf of the tribal colleges, and all the AIHEC institutions.

The minimum average per full time equivalent student (FTE) for public community colleges is \$6,997 ("Comparative Financial Statistics for Public Community and Junior Colleges, 1991." National Association of College and University Business Officers.). For tribal colleges - it is \$2,974 per full time equivalent Indian student. AIHEC emphasizes the impact of these statistics: the fact is that students in tribal colleges are funded at 42.5% of the average for students in public community colleges. According to a recent National Center for Education Statistics publication, the average revenue per FTE is \$17,674 for Historically Black Colleges and Universities with similar missions. AIHEC applauds Congress' commitment to equal opportunities for education, but we emphasize that the issues of equality and parity still exist in paramount terms for tribal colleges.

The tribal colleges have demonstrated that they are successful; that they are a wise investment of Federal dollars; that there is actually a return on the dollar for this Federal outlay; that employability increases and general assistance entrants decrease among those served by tribal colleges. The American Indian "baby boom" has come to college age. For the tribes served by the tribal colleges, the proportionate percentage of American Indian tribes between the age of 15 - 24 ranges from 16% to 28% higher than the total U.S. population (Appendix A).

We recognize that this Subcommittee advocates for equality in education for American Indian people. It is time for Congress as a whole to enable American Indians in tribal colleges to receive the same level of opportunity as other American students studying at mainstream colleges. It is time for equal educational opportunity to become a reality for the first Americans. In a GAO report from July 1991, the U.S. Military Academies reported expenditures of over \$650 Million for approximately 13,575 students for FY 1989. This is 3,917.5% higher than the FY 1993 Appropriation to 21 tribal colleges with total enrollment of approximately the same number of students. Surely, if Congress can find \$650 Million for three colleges of excellence it can certainly find a way to provide the authorized level of \$5,820 per ISC for Indians.

Each year since 1984, this Subcommittee has granted to the tribal colleges generous increases in their aggregate line item appropriation (Appendix B). However, these funding increases have not kept pace with aggregate enrollment at the tribal colleges, which has increased at an average of 10.5% per year (Appendix C). The bottom line problem is that the first tribal college appropriation never started out on a level playing field. The original appropriation was \$2,821 per FTE.

In FY 1993, Congress granted a generous increase of 3.5% over 1992. The aggregate enrollment increased by 13.2% over that same time. Had the 1992-93 enrollment remained constant with the prior year, the \$16,592,000 Title I funding for FY 1993 would have provided \$2,974 per Indian Student Count. However, BIA allocations to the tribal colleges are based on the preceding year's count (due to 1990 legislative amendment to the Tribal Colleges Act). The colleges are actually serving more students in academic year 1992-93. A 7.9% final enrollment increase for 1992-93 served by a 3.5% funding increase translates into a per student decrease: in this academic year it drops by \$157 per student.

The success of the tribal colleges has led more and more students to enroll. The 2,194 FTE enrollment a decade ago has increased by 252% by 1993. That these tribal colleges are so successful as to increase enrollments by these percentages is a tribute to Indian self-determination. However, as a result of such success, they are rewarded with diminished per student funding.

Over 14,000 students are enrolled in tribal colleges from a multi-reservation population of 450,733. This translates into 5,531 full time equivalency, or ISC as FTE is defined under the Tribal Colleges Act. In addition, nearly all AIHEC institutions offer ancillary programs such as G.E.D., A.B.E., TRIO programs such as Upward Bound in conjunction with local high schools, and drop out intervention, which reach yet additional students. In many cases, these ancillary programs serve as many more students as those already enrolled in the colleges' academic programs. Furthermore, many AIHEC institutions conduct other community services for the elderly, day care, leadership seminars, and libraries for the communities. In all, AIHEC institutions contribute multi-fold to the reservation communities in which they are located.

It is important to point out that while we emphasize the significance of these ancillary programs and offerings by the tribal colleges, we also emphasize that funding for them is separate and apart from tribal college core funding.

Tribal colleges then compare their level of funding to the national average cost of \$6,997 per FTE for all public community colleges.

In order for tribal colleges to attain equal educational opportunities, the isolation costs due to the geographic location of the reservations must be taken into account. Because the tribal colleges are so geographically isolated, increased cost differentials, in general, range from 20% to 149%. Some examples are: commuting costs for personnel - lack of housing for faculty forces long distance commutes; vendors and/or repair services charge surcharges to do on-site estimates. There is no latitude: these must be paid. For example, at Navajo Community College, the closest elevator repair is a two and one-half hour drive.

There are other disparities. Tribal college faculty salaries average 53.2% of the national average for all public colleges (Appendix D). In addition, retirement benefits for tribal college personnel averages 3.125% of their yearly income (some have none) compared to the national average of 7% (Appendix B).

In summation, students at tribal colleges are funded at 42.5% of the national average in 1990-91 costs.

The \$5,820 ISC authorization had been initiated in the 1983 reauthorization of the Tribally Controlled Community Colleges Act. This level was established in the statute because it was commensurate with other similar institutions such as Historically Black Colleges and Universities. Over these ten years hence, the CPI has increased 45.2% according to Department of Labor statistics. Today, this authorization should be \$8,450 to have kept pace with inflation over these years.

In order to achieve the \$5,820 per ISC in Fiscal Year 1994, an increase of \$2,846 or a total of \$18.261 Million for the tribal colleges is required. We urge this Subcommittee to appropriate this full level.

AIHEC urges this Subcommittee to also consider the Endowment and Facilities needs of our member institutions. We recognize that the level of funding requested for equality in operations is significant. However, AIHEC institutions' needs are critical in Endowment and Facilities; we ask that the Subcommittee appropriate the full authorized Endowment level of \$10 Million. We also ask that Emergency Facilities and Repairs be enabled at member institutions under a \$1.8 Million appropriation. AIHEC submitted this request as part of the Economic Stimulus Package where labor intensiveness and ability for immediate start-up renders logical. This package should also include a \$2 Million appropriation for Economic Development, as authorized in Title IV of the Tribally Controlled Community Colleges Act (25 U.S.C. 1801, 1851-52). Detailed plans per college have been prepared and would be provided here but for page limitations. Repair and Renovation needs at tribal colleges range from fixing leaking roofs and upgrading heating and cooling systems to removal of asbestos and improvements to water and sewage facilities. This request is in addition to the \$18.216 Million increase needed to achieve parity.

The Tribal College Act calls for the National Center for Education Statistics to "establish a data collection system for the purpose of obtaining accurate information with respect to the needs and costs of operations and maintenance" for tribal colleges (25 U.S.C. 1808). If we had this data, we would be more equipped to explain our situation to Congress. We have made several requests on this matter to the Bureau of Indian Affairs, to no avail. We request this Subcommittee to direct BIA to carry out this provision of the law.

Under the Endowment provision, BIA has recently imposed hardships on tribal colleges by interpreting trust accounts to mean that the banks must be made "trustees" of the funds in addition to colleges having them in trust accounts. A trust fund or account is different from creating a trust. The statute seems to require that the institution needs a trust account and not a separate trust with the bank acting as trustee. This additional burden is not applied to other educational institutions. The unnecessary additional fees resulting from designating the bank as trustee could better be applied to student scholarships. This antiquated policy harks back to the days of Federal wardship of Indians, and has no place in this Century's thinking. We urge the Subcommittee to implement the Endowment provision as Congress intended.

Within the Indian Health Care Improvement Act Amendments of 1992 (25 USC 1601 et seq), are programs for tribal colleges in nursing, tribal culture and history education for local IHS employees, general health training programs for community colleges, psychology, and substance abuse demonstration projects. In addition, the tribal colleges are interested in participating in Fetal Alcohol Syndrome and Fetal Alcohol Effect (FAS/FAE) grants.

AIHEC requests funding of \$5 Million for the Indian Health Service Nursing Program (Section 112) to assist tribal colleges nursing programs. The five tribal colleges with nursing programs, Oglala Lakota College, Salish Kootenai College, Fort Berthold Community College, Sisseton Wahpeton Community College, and United Tribes Technical College have an outstanding track record of producing quality nurses to serve their communities.

The program currently funds four institutions - Salish Kootenai College; Arizona State University; State University of New York, Buffalo; and University of North Dakota - with Salish Kootenai College operating the only tribal college program with IHS Nursing assistance. In the past two graduating classes at Salish Kootenai College, 40 nursing students graduated and the college expects to graduate 20 more this year. These Nursing program graduates boast a 95% success rate on the examination for Registered Nurse. We would expect similar success rates from the nursing programs at the remaining four tribal colleges provided that they are active in IHS Nursing Program funding.

Without adequate funding, tribal college nursing programs may not be able to continue operations. Equipment quickly become obsolete. There are high cost requirements for nursing instructors because of State qualifications standards and because of the high demand for their services. In many States, nursing instructors must hold at least a Masters Degree and teacher/student ratio requirements can be low (as low as 1:10 in Montana). With IHS Nursing Program assistance, the tribal colleges will be able to produce many of the nurses that are so critically needed in their communities.

Additional funding requests for Indian Health Care Improvement Act programs are as follows:

AIHEC requests \$1 Million under Tribal Culture and History Education (Section 113) for the tribal colleges to educate reservation-based IHS employees in tribal culture and history. The tribal colleges are in the most logical position to provide education for IHS employees so that they may be cognizant and sensitive towards the cultures of the Indian communities they serve.

All tribal colleges have interests in all types of health training programs from pre-nursing to medical secretary, psychology to pharmacy. AIHBC requests \$1 Million for tribal colleges for Health Training Programs of Community Colleges (Section 115) and \$2 Million for the American Indians into Psychology Program (Section 217).

The tribal colleges have tremendous concern over substance abuse, prevention, and treatment. Substance abuse is generally noted as one of the most dire problems facing Indian reservations today. For example, 1987 IRS statistics show that American Indians were almost five times as likely to die of alcoholism and related diseases. This does not include those that have died in alcohol-related accidents. In addition, Fetal Alcohol Syndrome and Fetal Alcohol Effect are major problems affecting American Indians today.

The tribal colleges can address these concerns through research, information dissemination, education, prevention, treatment, and counseling. One Million dollars for Substance Abuse Counsellor Education Demonstration Projects (Section 711) and \$1 Million PAS/PAE grants for research and education materials and \$7 Million for PAS/PAE grants to provide prevention and treatment programs is requested under Fetal Alcohol Syndrome and Fetal Alcohol Effect Grants (Section 708).

Tribal colleges are the logical choice of institutions for which these health programs may operate. They alone have best demonstrated the expertise and records of success to provide these and other services to their individual communities. Tribal colleges can do much to realize the Indian Health Service's goals to bring health services, education, and prevention programs on Indian reservations up to national levels.

Finally, AIHBC supports the separate requests of our non-title I member institutions. Specifically, these are Navajo Community College under Title II; the Crowpoint Institute of Technology; United Tribes Technical College; Haskell Indian College; Southwest Indian Polytechnic Institute; and the Institute of American Indian Arts.

On behalf of all of our member institutions, we thank this Subcommittee for considering our requests.

STATEMENT OF CHARLES W. MURPHY, CHAIRMAN, STANDING ROCK SIOUX TRIBE

Mr. Chairman and distinguished Members of the Committee, my name is Charles W. Murphy. I am Chairman of the Standing Rock Sioux Tribe. I extend our deepest thanks to you and the Committee for your strong and continued support of Indian Tribes and Indian people. I offer my testimony on Tribal needs in the order of their priority.

COMMUNITY AND ECONOMIC DEVELOPMENT:

\$150,000.00

The Community and Economic Development Program is a new category within the Tribal Budget initiative in the 1993 Budget. The Program is designed to foster the development of stable, diversified local economies and economic activities which will provide jobs, provide economic well-being and reduce dependence on public funds and social services. The Tribe requests \$150,000.00 to hire two planners and provide support costs to begin this Program in FY 1994.

TRIBAL ROADS:

\$1,500,000.00

The Tribal Roads System consists of County roads no longer maintained by Sioux and Corson Counties, former Indian Action Program roads, school bus routes, and access roads to elderly and handicapped individuals. These roads are not included in repair and maintenance under the BIA and Federal Highway Programs. These roads are in desperate need of repair. The cost of upgrading 60 miles of roads averages approximately \$25,000.00 per mile. The requested amount of funding would provide equipment, materials, and employment for twelve individuals who reside in rural locations.

TRIBAL HIGHER EDUCATION SCHOLARSHIP PROGRAM:

\$100,000.00

For the 1991-92 academic year, the Tribal Higher Education Program had \$532,903.00 in scholarship availability for eligible recipients. The Program assisted 306 students and denied 418 students. The average grant per student was \$1,764.56 per academic year. The Program requests an additional \$100,000 to assist another 57 students. The Program had 18 graduates, 17 with Bachelors Degrees and one with an Associate Degree.

JOHNSON O'MALLEY PROGRAM:

\$20,000.00

The Tribe has contracted the JOM Program for on or near public schools of Standing Rock. This is the first year the Tribe has contracted the Program and the projected allocation is \$170,200.00. The Tribe had to lower the per student dollar amount to \$102.34. The Tribe is requesting an additional \$20,000.00 to fund a full-time Coordinator position and its administrative costs.

SCHOOL FACILITIES:

\$2,100,000.00

A new Kindergarten and Elementary School needs to be constructed to provide the necessary space and environment for our children.

TRIBAL COURT:

\$241,380.00

Presently, Tribal Court does not have funding for: 1) Two Juvenile Officers and a Presenting Officer; 2) an additional Assistant Prosecutor to assist in drafting of pleadings, interviewing witnesses and other prosecution duties, and 3) Tribal Court Advocates for the representation of individuals. Moreover, the Tribal Court facility lacks the necessary office space to accommodate staff. Thus, Tribal Court is proposing the purchase of a trailer for office space.

GAME AND FISH DEPARTMENT:

\$215,376.00

The program is in need of this amount to implement and enforce the Tribe's Fish and Wildlife Management Code. Funds are needed to hire an additional Conservation Officer and train the existing 4 officers. Funds are also needed for habitat development with the assistance of a biologist. Equipment is needed to plant trees for shelter and nesting areas. The Tribe also needs funds for establishing a fisheries program to stock inland waters as well as restock the Oahe Reservoir. Equipment is needed to test inland waters for stocking suitability as well as equipment to conduct surveys of existing fish stocks.

TRIBAL RANGELAND DEVELOPMENT:**\$5,185,100.00**

Standing Rock has suffered through a five year drought with a resulting need for adequate source of livestock watering sources and development of range management techniques to adequately utilize available grazing on Tribal and trust lands. Funds are needed for 350 water development projects (wells, springs, dams and dug-outs). There is also a need to control noxious weeds, which reduce available grazing on 2,100 acres. The Tribe is also requesting assistance on controlling prairie dogs on 2,500 acres in order to return the land to its natural state and improve grazing. The Tribe will also institute a cross fencing program and develop educational workshops to instruct cattle operators in range management techniques which will improve the land.

RESERVATION RESOURCE PROGRAM:**\$700,000.00**

The Tribe is requesting funds in the amount of \$100,000 to develop an Integrated resources management plan of which land management will be the most important priority of the Tribe. Funds are needed to develop a GIS system which will provide information on land ownership and land use, soil types and other basic information to adequately control the use and development of Trust Lands. The Tribe also needs \$600,000 to come in compliance with the requirements of the RESOURCE CONSERVATION AND RECOVERY ACT, in the closing and monitoring of abandoned landfills as well as the implementation and operation of a reservation-wide landfill constructed through the efforts of Sioux County, the State and the Tribe in order to remain in compliance with the solid waste disposal requirements.

EAGLE UNIT IRRIGATION PROJECT:**\$1,750,000.00**

The Tribe is requesting \$750,000 to renovate an intake, affected by the drought and resulting low water levels maintained by the Corp of Engineers, at the Fort Yates site to guarantee adequate water to irrigate 800 acres of previously developed irrigation lands. The Tribe is also requesting \$600,000 to expand the Eagle Unit by adding 4 additional pivots with 400 additional irrigated acres. There is also a construction shortfall of \$750,000 to complete the construction of an irrigation unit at Cannonball, ND, which will add an additional 340 acres. The Tribe is also requesting \$50,000 to conduct feasibility studies to seek out future irrigation sites.

MUNICIPAL, RURAL AND INDUSTRIAL PROGRAM:**\$5,250,000.00****AUTHORIZATION UNDER 100-294:****\$69,000,000.00**

The Tribe needs construction funds in the amount of \$5,250,000 to complete the Phase II MR&I construction plans to interconnect a treatment Plant located at Wapakala, SD, and Fort Yates, ND. This project will also provide surface treated water to 1,500 members in cluster sites and to twelve rural households. The additional authorization requested in the amount of \$69 million is needed to complete a total reservation development of an MR&I system. Public Law 100-294 authorized construction of a reservation-wide system but only provided Standing Rock \$8 million in authorization.

FOREST MANAGEMENT PLANNING:**\$90,000.00**

The Tribe is requesting a forestry survey and to develop a forestry management program. Reforestation of the Oahe shoreline and improvement of existing forested areas has been a priority of Tribal Members who remember the river bottoms as they were prior to inundation of the river bottom lands.

STANDING ROCK HEAD START:**\$245,000.00**

We are requesting funds to purchase 6 double-wide trailers for classrooms. All the classrooms in the communities need immediate replacement because the small trailers and buildings cannot withstand the subzero winter temperatures when pipes freeze and classes have to be canceled.

DAY CARE PROJECT:**\$348,389.00**

The Project provides Day Care services to 47 clients in North and South Dakota. The majority of these clients are college students and young adults attending high school with the balance being single working parents.

WOMEN, INFANTS & CHILDREN:**\$25,000.00**

Community Health Staff to provide Maternal Child Health screening, teaching and follow-up of high risk clientele. These funds will provide additional staff training in alcohol/drug abuse counseling skills.

MATERNAL CHILD HEALTH PROGRAM:**\$88,322.00**

Minimum MCH resources at the Reservation level is causing rising infant mortality and rising contributing factors; i.e. alcohol/drug abuse, poor or no prenatal care, increasing low birth weight numbers and nutrition and health education inadequacies.

PROJECT FAMILY CARE:**\$395,000.00**

This program is strongly committed to promoting healthy individuals, families and communities through group work and community development. This Program will coordinate and network with other Federal, State, County and Tribal Agencies to provide community training.

STANDING ROCK YOUTH RANCH:**\$2,000,000.00**

Currently the Standing Rock Sioux Tribe has initiated a Youth Ranch Program for teenagers. The projected first year cost of the Foster Care System and the requested amount of \$2,005,000.00. Operation costs are estimated on the \$200,000.00 Youth Ranch Budget times 5 safe homes is approximately \$1,000,000.00.

LAW ENFORCEMENT**\$350,000.00**

To provide adequate law enforcement and detention services, 4 additional officers need to be hired and placed in the larger Districts to help provide preventative enforcement and eliminate the excessive overtime caused by having only 1 officer stationed at the outlying Districts.

REALTY:**\$360,542.00**

The Department of the Army is returning approximately 17,000 acres to the Department of the Interior to be returned to the original landowners or their heirs or assigns. Preparation of conveyance instruments to the landowners, obtaining appraisals

for each tract, probate of undetermined estates, examination of County records to determine fee owners, and clearing of old "S" accounts which involves research will require eight additional staff and support costs estimated at \$360,542.00.

LAND OPERATIONS:

\$811,360.00

The program needs 16 additional staff positions which will require an increase of \$413,583 to the current budget. The program needs an additional \$397,477 for maintenance and supplies to sustain operation needs. The program has serious problems compounded by drought conditions, noxious weed in excess of 10,000 acres and incomplete utilization surveys.

HEALTH: INDIAN HEALTH SERVICE

\$18,059,640.00

Funding is needed for the retention and recruitment of health care professionals and for modern equipment. Contract health care dollars need to be increased.

IHS 93-638 CONTRACT PROGRAMS:

\$2,741,241.00

638 Health Contracts have long operated from condemned and unsafe facilities discarded by the government. All 638 Health Contracts require office space. Tribal 638 contracts allow the Tribe to develop its management capabilities through program development and proper training.

NUTRITION FOR THE ELDERLY:

\$182,000.00

Equipment and support are in great need at all community centers and require constant monitoring by well-trained employees.

EARLY CHILDHOOD DEVELOPMENT:

\$141,260.00

There is unmet needs for parenting education in coping with Special Education children and transportation for tracking children in need. Two Special Education teachers are needed for performing evaluations, developing individual educational plans and providing direct care.

THE ELDERLY PROTECTION TEAM:

\$217,241.00

This program will assist the Tribe to monitor the needs of our Elderly and provide protection and assurances that their rights are not violated.

FOOD DISTRIBUTION:

\$195,000.00

This program has a need for a dietitian to teach proper diet and food preparation. This program also needs adequate freezer space and other necessary equipment.

DIABETES SERVICES PROJECT:

\$1,037,000.00

An immediate need for professional staff, equipment, prevention materials, medical consultants, office space, fitness room and equipment.

HEALTH START GRANT:

\$464,601.00

This grant program lacks adequate staff, office space, equipment and transportation leaving this grant in jeopardy.

STATEMENT OF THE ROUGH ROCK SCHOOL BOARD, INC., ROUGH ROCK, NAVAJO NATION

The Rough Rock School Board, Inc. wishes to thank the Subcommittee for yet another opportunity to present major issues and concerns relating to the Rough Rock Community School specifically and/or to Indian education generally.

GENERAL CONCERNS

Generally, the Rough Rock School Board, Inc. (RRSB) supports the positions taken by the Association of Navajo Community Controlled School Boards, Inc. (ANCCSB) with regard to ISEP, Administrative Cost grants, student transportation, and new school construction. The Rough Rock School Board, Inc. respectfully requests that the Committee: a) provide a minimum of \$3,499 per Weighted Student Unit for the '94-'95 school year; b) provide full funding for Administrative Cost grants under P.L. 100-297, and require the BIA to report to the Committee each year as to whether or not the full need for A.C. grants funding has been met; c) fund student transportation under ISEP at a level would provide at least the national average of \$2.34 per mile. While well below Rough Rock's (and others') actual cost per mile, as calculated using the National Center for Education Statistics methodology, \$2.34/mile would still be a significant step forward; d) fund new school construction, at minimum, at a level sufficient to begin construction of at least five new schools per year; and e) require the creation of a recurring line item in the BIA budget for the construction, repair and improvement of education employee housing. The justification for these requests is amply set forth in ANCCSB's written testimony. However, the Rough Rock School Board does have additional specific requests and recommendations concerning the last two areas.

Regarding AC Grants, we also note our dismay that it appears that over \$3 million in FY1992 appropriations for AC Grants was not distributed for SY92-93, and we do not know why that is. We have initiated inquiry with BIA about this, and ask this Subcommittee to do so also.

Regarding new school construction, RRSB respectfully request the Subcommittee's general support for forthcoming legislation which would provide a type of school constructing bonding authority

for BIA schools, backed by long-term GSA leases and/or an earmarked "bond guarantee" fund. As soon as we have seen the proposed language, we will be more specific in our comments.

Regarding employee quarters, first, RRSB strongly recommends that, as a part of any new school facilities construction or existing school facilities expansion project which will be accompanied by the addition of new staff members, funding be automatically included for the construction of additional employees' quarters, as needed. The separate line item for education employee quarters mentioned earlier should be reserved for the construction of new quarters required by staff increases due to program expansions within existing educational facilities, and for the improvement and repair of existing quarters in instances where the legitimate need for same substantially exceeds the QI&R funding already available for such purposes at the specific site in question. Collections based on current rental rates are generally only sufficient to cover routine operations and maintenance costs. They are nowhere near sufficient to provide for construction or major repair and renovation needs.

ROUGH ROCK-SPECIFIC CONCERNS:

A. ADDITIONAL STAFF HOUSING NEEDS AT ROUGH ROCK COMMUNITY SCHOOL

REQUEST: The Rough Rock School Board, Inc. respectfully requests that the Subcommittee approve an appropriation in the amount of \$535,000 for the purpose of constructing five duplex apartment units and three two bedroom houses for employee quarters. Together with the ten existing housing units the Subcommittee previously funded to be moved to Rough Rock from Many Farms High School, these new units will enable Rough Rock to meet anticipated staff housing needs for the next three years. This does not include any additional quarters which will be needed if our request for new school and dormitory construction (set forth below) is approved.

EXPLANATION: The Rough Rock Community School experienced a steady, moderate increase over the five years prior to this school year ('92-'93) in both student population and quarters occupancy rates. This year Rough Rock experienced a 30% increase in students over last year's enrollment. Naturally, this made a substantial increase in staffing necessary as well. As a result, all housing units currently available to RRSB are occupied, and there is a waiting list for quarters. While some additional housing might be secured in Many Farms, we are still attempting to avoid that route, due to the numerous and substantial problems with such a situation about which we have previously informed the Subcommittee. Your approval of this request will greatly simplify Rough Rock's employee quarters situation to the benefit of all concerned.

B. NEED FOR ADDITIONAL INSTRUCTIONAL AND DORMITORY FACILITIES

REQUEST: RRSB will soon be requesting construction of new classroom and dormitory space.

EXPLANATION: Rough Rock has reached full capacity in all of its classroom and dormitory facilities, and expects a continuing increase in enrollment. With the 30% increase in enrollment experienced this school year, Rough Rock has reached its absolute limit in dormitory space, and its practical limit in terms of classroom space. The term "practical limit" is used because we are within 50 students of the school's original design capacity, which was based on now-outdated space and utilization standards.

We are making the best possible use of existing buildings. This includes having totally renovated two formerly abandoned double-wide trailer units with the help of our construction trades program (which was not awarded funding for next year), our facilities management staff and some regular program staff. One of these units now serves as our Day Care Center. The other now serves as a combined classroom/tack room for our school's horsemanship program, developed to provide students requiring intensive residential guidance with experience in functioning in a very routine and responsible manner. Both trailers had previously been scheduled for use for fire-fighting practice. There simply aren't any more used trailers to rehabilitate.

RRSB makes note of these needs here primarily to alert the Subcommittee that we will be coming to you in the near future with the specifics of this request. We are currently putting together the specifications utilizing the "old" technologies which are soon to be replaced by a state-of-the-art computerized school construction cost-estimating system called "SARA". The BIA is investing in and will use this system itself, and Rough Rock will be among the first to benefit from it. Rather than submit different figures at different times, we prefer to wait a bit longer and thus be able to submit a much more accurate and reliable request. We anticipate requesting classroom and dormitory space sufficient to allow for an additional 250 students, of which we expect 150 to be day students and approximately 100 to be residential. We will provide the Subcommittee with full details as soon as possible.

C. NEED FOR FUNDING FOR SOLO PARENT PROGRAM

REQUEST: Rough Rock School Board respectfully requests funding in the amount of \$165,500 for the purpose of implementing a Solo parent program.

EXPLANATION: Since the very successful Solo Parent Program for Indian high school students at Intermountain Indian School was closed some years ago, only two BIA-funded schools have operated

such programs, namely Sherman and Flandreau. The need for such programs has not decreased at all, but has, in fact, grown to greater proportions than ever. Available data, while by no means exhaustive, indicates that high school age parents, solo or otherwise, account for anywhere from 10 to 20 percent of all Indian student dropouts, and possibly more. More importantly, in alternative schools for dropouts where solo parent programs have been implemented and have aggressively recruited, as much as 25 percent of the schools' enrollment has been solo parents.

One of the essential elements of a successful high school solo parent program is a Child Development Center which allows the student to attend classes while being assured of appropriate child care during that time. Another is the availability of adequate pre- and post-natal health care for both parent and child. Another is GED and Adult Education instructional services, which provide an opportunity for older (18-21 y.o.a) solo parents to earn a high school equivalency diploma in under four years. Rough Rock already has a Child Development Center which serves both staffers' and students' children, as well as a full time Physician's Assistant and Nurse Assistant on staff, both of whom are Navajo. We also have an active Adult Education program in place. We want very much to implement a day program which would make greater use of all three elements for the benefit of student parents, their children, and others who want to become trained in early childhood development as well. The program we propose would serve approximately 15 student parents and their children the first year through both on-site and home-based services to high school aged parents, and to expectant teens as well. Pre-natal and post-natal care would be strongly emphasized and effectively monitored. Parenting skills and child development would naturally be the core of the instructional program. And, through linkage with Navajo Community College or another junior college serving our area, Child Development Associate training would be made available to our high school students, whether parents or not, and to other interested persons as well.

The funding requested would provide for two additional staff members (an Early Childhood instructor and a Program Coordinator/ Parent Instructor), transportation for home-based instruction and staff training purposes, and the requisite equipment, supplies and other services for a fully functional program. We sincerely hope the Subcommittee will give this request its most serious consideration and approval.

D. NEED FOR AN ACCURATE ASSESSMENT OF THE INDIAN SCHOOL DROPOUT SITUATION

REQUEST: The Rough Rock School Board respectfully requests that the Subcommittee fund an accurate assessment of the size and scope of the national Indian student dropout problem.

EXPLANATION: It has long been recognized that Native American students have the highest school dropout rates of any ethnic minority in this nation. While there have been several poorly executed attempts to get a picture of the size and nature of the Indian student dropout problem, an accurate study has yet to be done. The saddest aspect of the situation is that the BIA education system utterly relies on the continuation of current dropout rates in order to function at all effectively at current funding levels and with its current facilities. The funding needs annually reported to Congress assume that nothing will be done to alleviate the problem, since existing facilities could not effectively support a dropout "reentry" program which succeeded in reducing the estimated numbers of dropouts by even 15-20 percent.

Without knowing how many Indian students are not receiving even the most minimal educational services, no BIA budget request can ever truly be considered adequate or accurate. There can be no more appropriate function for the BIA education system than ensuring that ALL Indian students are receiving an education, regardless of the school system providing it. And there is no educational system potentially better able to determine the real numbers of Indian youth now being served. We hope, urge and pray that the Subcommittee will see fit to enable us all to grasp the real size and scope of the need for Indian education by funding a national Indian school dropout study in the amount of at least \$500,000. Without it, we can never be certain we are meeting the real need. Rather, we can be absolutely certain we are not.

Thank you for your consideration of these requests for FY1994.

STATEMENT OF KEEPERS OF THE TREASURES, CULTURAL COUNCIL OF AMERICAN INDIANS, ALASKA NATIVES, AND NATIVE HAWAIIANS

Keepers of the Treasures, the National Congress of American Indians (NCAI), the National Indian Education Association (NIEA), the Menominee Indian Tribe of Wisconsin, the Metlakatla Indian Community, and the Seminole Tribe of Florida urge this Subcommittee to recommend increased funding in the FY 1994 budget for the Department of the Interior for two programs administered by the National Park Service. We ask this Subcommittee to recommend that the level of funding for grants to Indian tribes and Native Hawaiian organizations under the National Historic Preservation Act be increased to \$10,000,000. We also ask this Subcommittee to recommend that funds be appropriated at a level of \$10,000,000 for grants to Indian tribes and museums pursuant to the Native American Graves Protection and Repatriation Act.

Keepers of the Treasures is a national, intertribal organization founded in 1991 as a nonprofit educational and charitable corporation, dedicated to supporting and assisting the preservation, maintenance and revitalization of the cultural lifeways of American Indians, Alaska Natives, and Native Hawaiians. NCAI is the oldest and largest national intertribal organization, and it has promoted the rights of Indian tribes since its founding in 1944. NIEA is a nonprofit organization which advocates for quality education for Native people. NIEA is comprised of several thousand educators, school administrators and students, most of whom are Indian, Aleut or Inuit. Each of the tribes that has joined in this testimony is a federally recognized tribe exercising substantial governmental authority over reservation lands and communities.

Over the last two decades, Congress has enacted a substantial body of legislation that is supportive of the collective rights of Indian tribes to exercise self-government and self-determination. As a result, tribal governments now have dealings with a variety of federal agencies in addition to the Bureau of Indian Affairs and the Indian Health Service. The National Park Service (NPS) has emerged as one of the most important agencies in providing assistance to tribes for programs to preserve their cultural heritage. NPS has also assumed a lead role in providing guidance to other federal agencies and the museum community in carrying out the congressionally established mandate for the repatriation to tribes of the remains of our ancestors, sacred objects and other items of cultural patrimony.

Historic Preservation Fund Grants. The National Historic Preservation Act (NHPA) of 1966 is the basic charter for our national historic preservation program, but, until very recently, Indian tribes have been left out. Beginning in FY 1990, NPS has administered a grant program under the NHPA for the specific purpose of supporting tribal cultural heritage programs. This grant program was first authorized in the 1980 Amendments to the NHPA, and funds were first appropriated for this program in FY 1990. From \$500,000 in that year, the funding level for this grant program has been gradually increased to \$1.5 million in FY 1993. The Administration's FY 1994 request for tribal grants is \$2 million. In the first year that funds were appropriated for this program, Congress also directed NPS to prepare a report to Congress on the funding needs for tribal programs to preserve historic properties on Indian lands. That report, entitled *Keepers of the Treasures: Protecting Historic Properties and Cultural Traditions on Indian Lands* and submitted to Congress in May 1990, recommended that the federal assistance program for tribal preservation programs be funded at an annual level of \$5 to \$10 million.

Cultural heritage and traditions are unique to each Indian or Native tribe or nation, and the people of each tribe or nation have the collective right to determine for themselves how to set their own priorities for preserving their cultural heritage. We are pleased that NPS has implemented this grant program in a way that allows for Indian and Native people to set their own priorities. Some programs have focused on language and oral traditions, including tribal-specific curriculum development; some programs have provided training for tribal members in archaeological and other preservation skills; and some programs have emphasized the identification and protection of properties that have historic, cultural or religious importance, including properties that are eligible for the National Register of Historic Places. Whatever the approach, tribal programs to preserve cultural heritage have proven to be of immeasurable value for Indian and Native communities by helping to restore a sense of respect for our elders and to instill a sense of pride in our youth.

The 1990 report to Congress recommended that the NHPA be amended to be consistent with the sovereign status of the tribes, by including specific provisions to authorize tribal programs to preserve historic properties comparable to the programs established by states and administered by state historic preservation officers (SHPOs). We are very glad that Congress enacted such legislation in the National Historic Preservation Act Amendments of 1992, Pub. L. 102-475, title XL. Tribes now have the option of taking over all or any part of the role of the SHPOs. The 1992 Amendments also include an important new provision affirming that properties which have cultural or religious importance for an Indian tribe or Native Hawaiian organization may be eligible for the National Register of Historic Places. This new provision requires that, in carrying out the review process established by section 106 of the NHPA, any federal agency considering an undertaking that may affect such a property must consult with any tribe or Native Hawaiian organization that considers the property to have religious or cultural importance. For the promise of the 1992 amendments to be fulfilled, the funding level for grants to tribes must be increased to an annual level of \$10 million.

Repatriation Grants for Tribes and Museums. The enactment in 1990 of the Native American Graves Protection and Repatriation Act (NAGPRA) was an enormous victory for Native people. That Act provides a way by which Indian, Alaska Native and Native Hawaiian people can petition for the return of our ancestors and their funerary objects which are stored in museums and other institutions across this country. The Act also provides a process by which we may reclaim items of cultural patrimony. The enactment of NAGPRA by itself, however, was not enough. Successful repatriation requests often involve extensive research, as well as negotiation. Human

remains and items of cultural patrimony are not automatically returned to us. We must do research to determine where our ancestors are stored and which institutions have custody of various items of cultural patrimony. We may have to produce historical and anthropological evidence, and sometimes must employ outside "experts" to answer questions raised by museums. These efforts often require travel to various institutions. For example, in representing the Larsen Bay Community of Kodiak Island in its request to the Smithsonian Institution for repatriation of the remains of ancestors and funerary objects, the Native American Rights Fund is reported to have spent \$65,000 of its own funds, and that particular case was well documented and not nearly as complex as many other requests.

Congress addressed this problem in section 10 of NAGPRA by providing authority for grants to tribes and Native Hawaiian organizations for assistance in gaining the repatriation of human remains and other cultural items. 25 U.S.C. § 3008. This section of NAGPRA also authorizes grants to museums for assistance in conducting inventories and identifying cultural affiliation of human remains and other cultural items. To date, no funds have been appropriated for the grants authorized by this section of NAGPRA, although the Administration requested \$2.7 million in FY 1994 funds. In January of this year, NPS issued guidance for federal agencies and museums on how to fulfill their responsibilities under NAGPRA, including the responsibility to provide notice to Indian tribes and Native Hawaiian organizations that are likely to be affiliated with human remains and cultural items in the custody of federal agencies or museums. Accordingly, tribes and Native Hawaiian organizations can expect to begin receiving notification from a large number of museums and federal agencies.

Tribal governments and Native Hawaiian organizations need resources if they are to have a fair opportunity to make knowledgeable requests for the return of ancestors and their funerary objects, and to pursue these requests until they are successfully concluded. Our ancestors and these objects should have never been taken from us in the first place, and we ask for your assistance in utilizing the authority of the Native American Graves Protection and Repatriation Act. We ask that this Subcommittee recommend that \$10 million be appropriated for grants to tribes and museums under section 10 of NAGPRA, to be administered by NPS. We also ask that the NPS be directed to ensure that a substantial and equitable portion of these funds be made available to tribes.

STATEMENT OF TED STRONG, EXECUTIVE DIRECTOR, COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

Mr. Chairman, members of the Subcommittee, on behalf of the Columbia River Inter-Tribal Fish Commission, thank you for the opportunity to present the Commission's views on the FY 1994 budget for the Bureau of Indian Affairs. My name is Ted Strong and I am Executive Director of the Commission. The Commission was formed by resolution of the Nez Perce, Umatilla, Warm Springs and Yakima Tribes for the purpose of coordinating fishery management policy and providing technical expertise essential for the protection of our treaty-protected fish resources. Since 1977, the Commission has contracted with the Bureau under the Indian Self-Determination Act (P.L. 93-638) to provide these functions which fall under the trust responsibility of the United States to our member tribes. In order to continue to provide these functions, we are requesting \$2.802 million for Columbia River fisheries management in FY94, an increase of \$700,000 over the FY93 appropriated level. Under tribal management & development plans, we request the continuation of \$199,000 provided in FY93 for Columbia River tribes planning in FY94.

The actions and efforts of the Commission are directed and will continue to be directed at restoring the natural abundance of the salmon resource which our people enjoyed at the time treaties were signed with the United States. This goal, defined by the tribes, recognizes that a plentiful salmon resource nourishes the cultural and spiritual traditions of our people and adds to the health of the tribal economies as well as the health of the national economy. The Columbia River tribes, with technical and policy support from the Commission, made sure that the importance of Columbia River salmon stocks were recognized when the U.S. - Canada Pacific Salmon Treaty was signed in 1985 and saw to it that the obligation to return these stocks to optimum production was recognized as an international obligation of the United States. Salmon from the Columbia River play a significant role in supporting the nation's fisheries and will contribute a greater share to the tribal and national economies as these stocks are restored to their historic levels.

I would like to thank to this Committee for its past and continued support of the Commission. Based upon a continuation of this year's funding level, the increase we have requested for FY94, and the direction provided by our member tribes, our Commission will continue its primary mission of providing coordination and technical assistance to our members in order to ensure that outstanding treaty fishing rights issues, such as hatchery reform and allocation of the conservation burden, are resolved in a way that guarantees the continuation and restoration of our tribal fisheries; we will continue to coordinate the implementation of fishing access site provisions under P.L. 100-581; we will continue to participate in Columbia River

Gorge planning; we will continue to coordinate and participate with our member tribes in the initiative developed with Regions 1, 4, and 6 of the U.S. Forest Service that will halt riparian habitat degradation in the Columbia River Basin; we will continue public education on treaty rights, which will help in resolving Columbia River salmon issues through negotiation rather than litigation; and we will continue funding the important search and rescue project in order to protect the lives and property of tribal fishers.

The support of the Administration and the continued support of Congress at this time is critical as the threats to the tribes' treaty secured fishing rights of the tribes continues to grow. The greatest threat to our fisheries is the continued neglect of the environment, the very home of the salmon. Our member tribes, with their staff and with and through our Commission, have been instrumental in documenting this evidence. The Commission's technical experts, in coordination with the tribes, have identified where the land and water managers have fallen short in protecting the habitat of salmon and we have, at the request of the tribes, provided recommendations for correcting management practices that have led to the loss and destruction of salmon habitat. At the direction of the tribes, we will continue to document this threat to our fisheries and will continue to provide specific recommendations and practices that must be adopted by land and water managers in keeping with their trust responsibilities and treaty obligations.

The tribes have had no commercial fishery for summer chinook since 1964. The tribes have had no commercial fishery for spring chinook since 1977. In that time period, the tribes have had limited commercial fisheries for sockeye and in the last few years have faced drastically reduced commercial fisheries for fall chinook. We are not even meeting the ceremonial and subsistence needs of our people. Yet land and water managers and users, who have not contributed and are not now contributing significantly to the recovery of the salmon, are suggesting the tribes must make additional sacrifices. Such suggestions are insulting and are indicative of the unwillingness of land and water managers and users to make the same sacrifices the tribes have already suffered. Too many people are suggesting the status quo for everything but harvest activities - for this reason we must be able to participate meaningfully in the allocation of the burden of conservation to ensure the protection of our salmon. The substance of our treaty-protected fishing right - the very survival of the salmon resource - continues to be laid bare upon the Endangered Species Act table, where the only cuts being proposed or made are ones to gut the salmon. Tribal fisheries cannot be asked to give more, to do so would mean giving up our historic heritage and our treaty secured right to these fisheries.

The tribes have identified the need to insure that the burden of conserving these salmon stocks is allocated fairly across those land and water uses responsible for their decline. Consistent with this need, and while the Commission will continue the programs I outlined earlier, the Commission must focus attention on the initiative it began last year with the support of the tribes and Congress. Concerning the conservation burden, the Commission will continue its work on identifying the relative shares that forestry, hydroelectric development, irrigation, mining and other development must contribute to salmon stock recovery. Concerning hatchery production reform, the Commission and its member tribes have, for over a decade, identified state and federal hatchery practices at the ninety-eight basin production facilities as one of the most significant factors in the loss of naturally-spawning salmon stocks. We have proposed a biologically supported and scientifically credible integrated plan to modify hatchery practices throughout the basin in order to supplement rather than supplant natural spawning. We have previously provided this information in a report to Congress, we encourage you to call upon us to answer questions on that report and we stand ready to provide you with additional information

when called upon. Further, we have encouraged the National Marine Fisheries Service to consider our proposals when developing their recovery plans for the salmon stocks listed under the Endangered Species Act.

We began the allocation of the conservation burden initiative based upon a request from the Bureau of Indian Affairs in January 1991, which asked for an assessment of needs related to unresolved hunting and fishing rights issues. We identified a program to meet the needs raised by the current evaluations proceeding under the Endangered Species Act and identified its program costs at \$1 million. Congress provided us with \$300,000 to begin this program last year and we thank you for your support of this important initiative. We are now requesting that this initiative be fully funded by providing the Commission with an additional \$700,000 to be included in the base program funding level I identified earlier.

We will use the additional \$700,000 to work for the salmon resource against the array of lawyers and biologists hired by development interests to advocate for their clients in the ESA deliberations; the millions utilized by the state and federal fishery agencies to maintain a mitigation system that, by design, does not support natural spawning or treaty secured rights; and the over \$100 million spent yearly by the Bonneville Power Administration under the Northwest Power Act and the Lower Snake River Compensation Plan supposedly for the protection, mitigation and enhancement of Columbia River salmon.

Mr. Chairman, in summary, we believe that the Commission is an excellent working model of the Indian Self-Determination Act. Through a governing body of leaders from four tribes working together to protect their treaty fishing rights and a staff of biologists, hydrologists, law enforcement personnel, and other experts advising tribal policy-makers, this Commission as well as other inter-tribal commissions have demonstrated that tribes are able to take the lead on natural resource issues provided that adequate resources are available. This is a time when increased effort and participation are demanded of the Commission and its member tribes and we are asking for your continued support of our critical efforts and the continued commitment of the Bureau to increase self-determination activities through the "Tribal Horizons" program.

We trust the Subcommittee will take these concerns into account when considering the FY 1994 Bureau of Indian Affairs budget.

**STATEMENT OF DR. JOHN GRADY, VICE PRESIDENT FOR WILDLIFE
AND HABITAT PROTECTION, THE HUMANE SOCIETY OF THE
UNITED STATES**

Mr/Ms. Chairman, I am Dr. John Grady, Vice President for Wildlife and Habitat Protection at The Humane Society of the United States (HSUS). I represent the more than 1.6 million members and constituents of the HSUS and The Humane Society International and am pleased to testify before the Senate Interior Appropriations Subcommittee for Fiscal Year 1994 (FY '94). My testimony today will focus on the U.S. Fish and Wildlife Service and the Bureau of Land Management.

Additional testimony supporting increased appropriations for Endangered species Act (ESA) implementation has been submitted on behalf of the Endangered Species Coalition, of which The HSUS is an active member, by the Wilderness Society. The HSUS emphatically supports a strong and generous reauthorization of the ESA.

FISH AND WILDLIFE SERVICE (the Service)/
Office of Management Authority Funding

The HSUS believes that additional funding in the amount of \$700,000 is needed for the Service's Office of Management Authority in order to implement the Wild Bird Conservation Act of 1992, which promotes the conservation of exotic wild bird species that are collected from the

wild to supply the international pet trade in wild-caught birds. The Act requires promulgation of new regulations, monitoring of trade levels, determination of the biological status of species in the wild, monitoring the mortality of species during capture and transport, processing and granting of applications to import birds to the U.S., and processing of petitions for actions pursuant to the Act. In addition, the Act establishes an Exotic Bird Conservation Fund, to be used to assist other countries in the conservation of their indigenous wild birds. Service implementation of this bill will encourage conservation of exotic birds in their countries of origin. Clearly, additional funding is necessary in order to implement this critical legislation.

Additional funding in the amount of \$300,000 is needed by the Services' Office of Management Authority in order to fulfill the U.S.' commitment to host the 1994 meeting of the Parties to CITES. The meeting is expected to be attended by representatives of more than 100 nations, representatives of at least 200 national and international non-governmental organizations, and 500 representatives of the international media. This proposed increase will enable the U.S. to highlight and expand its leadership role in wildlife conservation.

FISH AND WILDLIFE SERVICE/Division of Law Enforcement Funding

Funding in the amount of \$825,000 is required for the Service's Division of Law Enforcement to implement the Wild Bird Conservation Act of 1992 (the Act). Smuggling of exotic birds is a significant problem for the U.S., particularly at the Mexican border. Wild birds are concealed in shipments, or hidden in vehicles or on people entering the U.S. Only a small fraction of illegal shipments are intercepted by Customs officers or U.S. Fish and Wildlife Service Inspectors. Another significant form of smuggling is the laundering of birds at ports when import documentation is falsified to show improper species identification, false countries of origin, and captive-bred status to birds actually caught from the wild. Additional wildlife inspectors and special agents are needed at borders and major ports to meet the enforcement demands of the Act. The requested funding of \$825,000 would provide for eight additional wildlife inspectors, three additional special agents, and travel expenses associated with monitoring wild bird importation.

FISH AND WILDLIFE SERVICE/ Agricultural Technology and Transfer for Rural Areas (ATTRA)

We recommend that the funding for the Agricultural Technology and Transfer for Rural Areas (ATTRA) be increased to \$1.5 million for FY'94 (\$200,000 over FY'93).

ATTRA, authorized by the Farm Bill, was first funded in 1987. It serves the entire nation specialists who provide farmers and others with sustainable agriculture information, research results, and information based on practical experience. There is no other source of readily available information covering such a wide scope of sustainable agriculture topics.

ATTRA serviced 10,000 cases in FY'92 and is projected to handle 12,000 cases in FY'93. The additional funding in FY'94 would allow ATTRA to meet its increasing number of information requests and pursue other important projects such as building a data base and sharing resources and results concerning on-farm and community-based value-added and market development activities.

BUREAU OF LAND MANAGEMENT (the Bureau)/Fertility Control Funding

Testimony relating to the overall management of feral horses on Federal lands has been submitted on behalf of The HSUS by the American Horse

Protection Association (AHPA); however, because of our specific interest in the application of immunocontraception to feral horses and other wildlife, we submit these additional specific comments.

The HSUS believes that fertility control, if used as part of an informed and equitable range management program, can be an important and effective tool for the management of wild horse and burro herds on lands managed by the Bureau of Land Management (Bureau). In FY 1993, \$400,000 appropriated to the Bureau by Congress provided: significant contributions to the successful development of a one-shot immunocontraceptive vaccine that blocks pregnancy in horses for a full year; initial support for development of a one-shot, multi-year immunocontraceptive vaccine; and, principal support for the contraception of 131 free-ranging wild horses in northeastern Nevada. Each of these achievements represents an important step in the development and application of fertility control as a humane method of controlling wild horse populations.

Additional funds are needed to further this critical project. Specifically, additional funding will allow completion of the development of the one-shot, multi-year vaccine and the assessment of the northeastern Nevada pilot project, as well as the initiation of a second pilot project in Nevada to field-test the multi-year vaccine.

For these reasons, The HSUS strongly recommends that Congress again appropriate \$400,000 to support these studies in FY 1994. Because wild horse and burro management problems exist on other lands managed by the Department of Interior (DOI), and because the immunocontraception vaccine under investigation also blocks pregnancies in white-tailed deer and other wildlife managed by DOI and by other Federal agencies, we believe investment in this technology will prove highly cost-effective.

NATIONAL PARK SERVICE (NPS)/Fertility Control Funding

Four national seashores on the Atlantic coast currently harbor populations of feral horses. On at least one of these sites, Assateague Island National Seashore, management of horse populations via immunocontraception is imminent. We believe that this novel management action would hold tremendous significance for wildlife management on Federal lands, is likely to set a precedent for the application of fertility control to Federally-managed wildlife populations, and truly represents a "major Federal action with significant effects on the human environment" under the National Environmental Policy Act (NEPA).

Therefore, we urge Congress to provide full funding to the NPS for the coordinated development of feral horse management plans and associated NEPA-compliance documents for the four affected national seashores. We understand that the NPS has estimated costs of this project at \$380,000 over three years (\$110,000 for the first year, \$110,000 for the second year, and \$160,000 for the third year). We recommend that funding be appropriated at this level.

STATEMENT OF ALAMO-NAVAJO SCHOOL BOARD

As a grant school funded by the Bureau of Indian Affairs and a member of the Association of Navajo Community Controlled School Boards (ANCCSB), our School Board and administration have been active participants in efforts to bring visibility to the alarming underfunding of key portions of the BIA school operations budget, particularly the Indian School Equalization Formula (ISEF), Administrative Cost Grants, and Facilities Operation & Maintenance accounts. Our School's Executive Director, Marcel Kerkmans, testified on behalf of ANCCSB and the National Indian Education Association at special joint oversight hearings held last year by the Senate Indian Committee and House Education & Labor Committee to highlight the problems and receive recommended solutions.

The Clinton Administration's request for supplemental funding for ISEF and Administrative Costs for School Years 92-93 and 93-94, and affirmative responses from the House and this Subcommittee

demonstrated to us that there is genuine interest in helping our schools. The defeat of the economic stimulus package was a great blow to us, but we hope this Subcommittee will take steps to get supplemental funding for BIA schools through a separate emergency supplemental appropriations bill.

As much as we need supplemental funding, we must recognize that it is really just a response to an immediate crisis; it is not a long-term solution to the problems with the funding system. And although we are also glad that the reported FY1994 funding request for the major school funding accounts shows a sincere attempt to reflect enrollment increases and build funding into the base budget, the resulting budget request will still not come close to the per-WSU base amount of \$3,499 recommended two years ago by the blue-ribbon ISEF Task Force.

At best, according to our calculations, the FY1994 budget request will provide about \$2,895/WSU for our SY94-95. Gratitude that the base is not expected to *decline* -- as it did with the last two years' budget requests -- is not enough. Our job is to educate children. The funding provided has not yet enabled us to make our schools the learning centers they ought to be. For example, we are having to consider cutting school supplies, decreasing the number of school buses, cutting back or eliminating bilingual services, and serving sack lunches instead of hot lunches in order to reduce expenses. While we are seven short years away from the year 2000, we are very far from achieving the Student Academic Achievement Goal for Indian and Alaska Native students:

By the year 2000 every Native student will demonstrate mastery of English, mathematics, science, history, geography, and other challenging academic skills necessary for an educated citizenry.¹

We would ask this Subcommittee to help us move toward that goal by: continuing your interest in and commitment to the educational welfare of Indian children; increasing the FY1994 ISEF budget request to make greater progress toward the \$3,499/WSU base recommended two years ago; and maintaining your encouragement for revision in the system for funding BIA schools. We agree with your advice in the explanatory statement accompanying the economic stimulus package that the ISEF needs to be re-examined -- and we believe reformed -- to better achieve the goal of providing schools with the funds they need to perform their education mission.

As tribal educators have explained to this Subcommittee in the past, in our review of the BIA's budget proposal, we focus on the per-WSU figure. In looking at the FY1994 BIA Budget Justification, we note that BIA has added a new calculation -- amount of money per-Average Daily Membership (ADM) (see page 77). There is no accompanying explanation of this new calculation, how it was derived or its purpose. However, from our own analysis, we can tell that the ADM multiplied by the amount per-ADM approximates the level of the FY1994 budget request, (minus about 1% for the Director's Discretionary Fund and funds for small school adjustment).

We call this new column to the Subcommittee's attention because we are very concerned that its inclusion is most misleading. It does not reflect two significant facts:

- 1) that the ISEF funds both instructional programs and dormitories and the cost per-student for each of these is not equivalent; and
- 2) that nearly 9,700 students received both instructional and residential services from the ISEF in SY92-93, and even more will receive both services in SY94-95 (the year funded by this request). Thus, at a minimum, the BIA should increase the ADM count to reflect this dual service if its per-ADM figure is to have any meaning or credibility.

Thus, the per-ADM dollar figure is artificially inflated. Furthermore, the per-ADM amount is not an accurate reflection of educational costs. Costs of operating our schools are different from the public schools, because of our smaller populations and smaller schools, and because we are mandated by statute to pay teachers according to the DoD pay scale. We caution the Subcommittee to continue to use the per-WSU figure as the appropriate measure, not the per-ADM amount.

Administrative Cost Grants. If we, as Indian people, are to ever to fully exercise the rights of self-determination espoused by the Congress and every President for nearly two decades, then funding for the costs we incur upon exercising those rights must be fully supplied. Otherwise, the federal government's commitment to self-determination rings hollow to us.

At the federal government's invitation, we took over our education program and have been running it ourselves now for several years. In that time, we have had to scale back our administrative/executive direction functions; we have had to come to Congress year after year to seek additions to the budget request for our administrative costs; and we have even had to sue the BIA for underpayment of indirect costs. (We won.) Frankly, if the federal government would fulfill its commitments, we could turn our full energies and efforts toward accomplishing our education mission.

We were, of course, very pleased that the President sought additional funding for Administrative Cost Grants in his Economic Stimulus Package. But we must point out that the supplemental funds requested for SY92-93 would only have enabled BIA to pay 80% of the overall amount generated by the statutory administrative cost formula. Without these additional funds, only 65% of the formula-generated

¹ Goal 4 of National Education Goals for American Indians and Alaska Natives, *Indian Nations at Risk: An Educational Strategy for Action*, Final Report of the Indian Nations At Risk Task Force, U.S. Dept. of Education, 1991.

amount can be met. Payment at only this level will cripple our ability to properly administer our schools. Furthermore, it appears some \$3.2 million in FY1992 appropriations for AC Grants was not distributed for SY92-93. We would request that the Subcommittee ask the Bureau why those funds have not been distributed. If those funds are distributed, still only 76% of need will have been met. If the amount of AC Grants is not sufficient to cover the legally-mandated administrative costs, we will have to divert funds from the ISEF.

Thus, we ask this Subcommittee to closely examine the BIA's FY1994 budget request for Administrative Cost Grants, and to *insist* that the Bureau tell you whether they expect it will meet 100% of need for SY94-95, as it is supposed to. If the BIA cannot assure you that it will, then we urge you to take corrective action to appropriate additional funds to meet that need and thereby fulfill the federal government's commitment.

Other Education Issues. On other significant issues affecting the BIA-funded school system, including funding for student transportation, facilities operation & maintenance, new school construction, and education housing construction, we endorse the testimony submitted by the Association of Navajo Community Controlled School Boards, of which Alamo is a member. We urge the Subcommittee to support these requests.

INDIAN HEALTH SERVICE

Because of our isolated location -- the Alamo reservation is in New Mexico several hundred miles from the Navajo "big" Reservation -- our School Board operates the health clinic for the Alamo community. We do so through a contract with the Indian Health Service.

Last year, we reported to Congress about our severe shortage of facility space. Staff positions went unfilled and services unprovided as a result of dilapidated and run down facilities. Congress added statutory language to the FY1993 Interior Appropriations Act which broadened the uses to which IHS Service funds (hospital and clinic funds) could be put. Specifically, that Act provided that Service funds can be used for the "renovation, purchase and erection of modular buildings." Alamo was one of the specifically intended beneficiaries of this language.

Today, six months after the FY1993 Interior Appropriations Act was enacted, we have not been able to use one dollar of our Service funds to renovate our facilities, because IHS has not yet implemented this statutory authority. IHS Area Office staff with whom we must work were not even aware of the authority until we told them about it. They cannot sanction our use of Service funds for our facilities needs, however, until they get appropriate instructions from IHS headquarters.

The IHS Headquarters personnel tell us they are "struggling" to interpret the intent of the Congress with regard to this new authority. Frankly, we thought Congressional intent was quite clear. While we wait for IHS, however, our facilities continue to deteriorate, staff positions go unfilled and patients go unserved. We seek your help in getting the statutory directive carried out without further delay.

STATEMENT OF BOYD GRAHAM, CHAIRMAN, DUCKWATER SHOSHONE TRIBE

The Duckwater Shoshone Tribe has made strong self-determination progress over the past several years and has advanced that progress even further through Congressionally authorized Self-Governance. The Tribe needs Congressional support to be able to continue its progress. The support needed is both non-financial and financial. The financial support for Self-Governance will enable the Tribe to operate programs under Self-Governance. The non-financial support will allow the Tribe:

- * to continue the necessary Self-Determination and Self-Governance progress that it has made and the strong service delivery that it has established; and
- * to expand Self-Governance operations into all other federal programs that provide programs, resources, or resource use to the Tribe.

The Duckwater Shoshone Tribe is a Self-Governance tribe. The Tribe requests that the Congress make Self-Governance a permanent program for tribes that wish to take this responsibility. The Tribe requests Congressional action to make Self-Governance permanent and to make immediate Self-Governance improvements through the FY 1994 appropriations.

The Tribe is in its second year of operations under a Self-Governance Compact with the Bureau of Indian Affairs. Self-Governance has been a positive and natural step for the Tribe, a natural move forward on its Self-Determination path. The Tribe is small and the reservation is isolated. Any services that members receive must come from the Tribe. Self-Governance allows the Tribe to provide and take responsibility for its services to members.

The Tribe requests that the permanent legislation cover all federal programs, not just those under the BIA and IHS. The Tribe requests that the FY 1994 appropriations direct the BIA to provide Compact funding to Self-Governance tribes out of BIA budgets and that other federal agencies be directed to prepare this year to negotiate with Self-Governance tribes. Because federal appropriations are limited and the federal government needs to stop growing, the Tribe requests that the permanent Self-Governance legislation direct federal agencies to reduce in proportion to tribal take over of functions.

This written testimony gives information to the Congress on Self-Governance and the Duckwater Shoshone Tribe. This testimony also explains what the Tribe needs to keep moving forward. The Tribe is using this written testimony to give Congress accurate information about the Duckwater Shoshone Tribe and tribal needs.

Our appropriations requests are based on our own assessments and plans. The funding levels that are requested will allow us to stabilize our services and develop our resources to provide work and a quality way of life for our people.

We have entered into a Self-Governance Compact with the Bureau of Indian Affairs for BIA funded programs and moved into our second year of Self-Governance operations with the Bureau, then started the planning for a similar Compact with the Indian Health Service.

The Tribe requests that the Congress add funding to broaden the implementation of Self-Governance goals and the overall purpose of Self-Governance.

1. The Duckwater Shoshone Tribe requests an additional \$1,000,000 for the BIA Office of Self-Governance. This amount will allow the OSG to gain the staff needed to implement Self-Governance with our tribe and with the other current and new Self-Governance tribes.
2. The Duckwater Shoshone Tribe requests an additional \$5,000,000 for IHS short fall funding associated with Compacts. The Tribe requests that the short fall funding be directed to IHS and that regular IHS budget funding be separated for tribal shares under Self-Governance agreements. The Tribe further requests the Congress to direct IHS to use the short fall amounts as a temporary measure for one year only until IHS restructuring occurs in the next year after each negotiated agreement.
3. The Duckwater Shoshone Tribe requests that an additional \$500,000 be provided for the IHS Owyhee Service Unit. The Tribe requests that the IHS be directed to use this funding to meet its accreditation needs and to expand its field services to the Tribe.
4. The Duckwater Shoshone Tribe requests \$200,000 for Duckwater Shoshone range and resource management. The

Tribe requests that the funding be designated through the BLM budget and earmarked for the Duckwater Shoshone Tribe under Self-Governance. The Tribe further requests that the Congress direct the Bureau of Land Management to enter into an interim range management agreement with the Duckwater Shoshone Tribe under the Tribe's Self-Governance agreement with the Department of the Interior.

That concludes our Self-Governance testimony. We look forward to the Congressional response to our request. Thank you.

STATEMENT OF DANIEL RAPP, CHAIRMAN, POKAGON BAND OF POTAWATOMI INDIANS

My name is Daniel Rapp and I am chairman of the Pokagon Band of Potawatomi Indians from southwestern Michigan and northern Indiana. The Pokagon Band of Potawatomi are the political descendants of, and the political successor to, the signatories of the Treaty of Greenville in 1795; the Treaty of Grouseland in 1795; the Treaty of Spring Wells in 1815; the Treaty of the Rapids of the Miami of Lake Erie in 1817; the Treaty of St. Mary's in 1818; the Treaty of Chicago in 1821; the Treaty of Mississinewa on the Wabash in 1826; the Treaties of St. Joseph in 1827 and 1828; the Treaty of Tippecanoe River in 1832 and the Treaty of Chicago in 1833.

In the Treaty of Chicago of 1833, the Pokagon Band of Potawatomi was the only Band at the convention that negotiated the right to remain in Michigan. All other signatories, including other Potawatomi Bands, relinquished all lands in Michigan and were required to be removed to Kansas or Iowa.

Beginning in 1934, the Pokagon Band petitioned for reorganization and assistance under the Wheeler-Howard Indian Reorganization Act of 1934. Other Potawatomi Bands, including the Forest County Potawatomi and the Hannahville Indian Community who had since returned to Wisconsin and Michigan's northern peninsula, were provided services pursuant to the Indian Reorganization Act. The Pokagon Band was not.

Congress had not appropriated adequate funds to carry out the mandates of the IRA and consequently, officials at the Office of Indian Affairs arbitrarily chose to end the delivery of services to the Indian peoples of Michigan's lower peninsula. Office of Indian Affairs memoranda written during the late 1930's contain revealing statements concerning the implementation of the IRA in Michigan; for example:

"Unless we have the funds and personnel to do a real job in Lower Michigan, we should stay out of the territory. We all know that neither the personnel or the funds are available. Hence it would be a crime to disturb the present excellent relations between the states, counties, and the Indians..."

The federal government's decision during the 1930's to deny reorganization under the IRA to Indian tribes in Michigan's lower peninsula was erroneous and improper. It must be stressed that the Office of Indian Services' failure to apply the IRA in lower Michigan in no way alters the political, social and legal status of the tribes that remain in existence. Throughout the history of its relations with the U.S. Government until 1935, the Pokagon Band was treated as a recognized tribe by the federal government. At no time in its history has the Band's status as a federally-recognized tribe been terminated by an Act of Congress. These

treaty-signatory tribes have the same status as any other Indian tribe regardless of the Office of Indian Services' financial inability to include them in implementing the IRA.

I come before you today on behalf of the Pokagon Band to request funding in the amount of \$321,918 to rebuild the Band's capacity to delivery services that were improperly discontinued in the 1930's. This is not a request for a Tribal base budget but rather for funds to: (1) develop a plan of operations as Tribal government and identify necessary Tribal functions; and (2) re-establish the Tribe's administrative and managerial capacity to perform government functions and delivery services. Based on this work, the Tribe will be in a position to establish its base budget needs for subsequent funding.

The Pokagon Band incorporated as a non-profit organization under a State of Michigan charter as the Potawatomi Indian Nation, Inc. in 1962 primarily to pursue the Band's claims under the 1946 Indian Claims Commission Act. In 1973, the Indian Claims Commission found that the Pokagon Band, along with other Potawatomi Bands, was a identifiable group of American Indians and had the right and capacity under Section 2 of the Act to bring and maintain claims on behalf of the Potawatomi Indian Nation. Awards were made to Pokagon Band members in 1978.

In subsequent years, the Pokagon Band has focused on re-establishing its federal status as an independent Indian nation; developing its own social and economic development strategy; and implementing a wide range of programs in the arts; employment and training; and economic development supported through grant funding to our non-profit organization.

The Band's service area includes the southwestern Michigan counties of Allegan, Berrien, Van Buren and Cass and the northern Indiana counties of La Porte, St. Joseph, Elkhart, Starke, Marshall, and Kosciusko. In this area, there are some 1,500 Band members who continue to reside close to their ancestral homeland in the St. Joseph River Valley. Half of the Band members over twenty-one do not have their high school diploma. Fully 25% of the Band members are living below the poverty line and 14% of the Band's working-age members are unemployed. Approximately 38% of the Band's households are receiving some sort of transfer payments.

Conditions within our community are typical of Native American communities throughout the United States. The purpose of our funding request is to begin a process of reconstructing our Tribal government infrastructure and delivering services to our membership that should not have been discontinued in the first place. These monies will enable the Pokagon Band to develop a plan of governmental operations, build the capacity to administer those operations and, subsequently, provide for our membership as any independent government should.

Thank you for the opportunity to present our request.

POKAGON BAND'S BUDGET REQUEST

BUDGET SUMMARY

FY '94

PERSONNEL

SALARY AND FRINGES:	\$187,228
TRAVEL:	48,490
EQUIPMENT:	36,200
SUPPLIES:	2,000
OTHER DIRECT COSTS:	48,000

TOTAL BUDGET REQUEST:

\$321,918

STATEMENT OF CARL FRAZIER, CHAIRMAN, BURT LAKE BAND OF OTTAWA AND CHIPPEWA INDIANS

My name is Carl Frazier and I am the Chairman of the Burt Lake Band of Ottawa and Chippewa Indians. I come before you today on behalf of the Burt Lake Band to request funding from the Bureau of Indian Affairs to rebuild our Tribe's governmental infrastructure.

The Burt Lake Band of Ottawa and Chippewa Indians, Inc. are the modern day political successors to the Cheboiganing Band, a signatory tribe to the Treaties of 1836 and 1855. The federal government's primary purpose in entering into most of the Treaties with Michigan Tribes was land acquisition for settlement and development. Soon to follow from the government's treaty and removal policies was a policy of "assimilation" for Native Americans. This was designed to encourage and/or force Indian people to renounce their Tribal identity and tribal-held lands. Among others, one method allotted tribal lands to individuals and then foreclosed on the lands for back taxes. Such a policy resulted in the forced removal of the Cheboiganing Band from their lands and the burning of the Band's settlement in 1900 by Michigan authorities. These policies resulted in the loss of most of the BAND's remaining lands, the sending of Indian children to boarding schools and increased federal supervision and control over the welfare of Indian people. Most importantly, it displaced Tribal forms of government.

In 1934, Congress reversed its assimilation policy and tried to strengthen or re-establish tribal government with the Wheeler-Howard Indian Reorganization Act. Although the Michigan Tribes applied for reorganization, all of the bands of lower Michigan -- including the Cheboiganing Band -- were either ignored or rejected. Congress had not appropriated adequate funds to carry out the mandates of the IRA and consequently, officials at the Office of Indian Affairs arbitrarily chose to end the delivery of services to the Indian peoples of Michigan's lower peninsula. Office of Indian Affairs memoranda written during the late 1930's contain revealing statements concerning the implementation of the IRA in Michigan. For example:

"Unless we have the funds and personnel to do a real job in Lower Michigan, we should stay out of the territory. We all know that neither the personnel or the funds are available. Hence, it would be a crime to disturb the present excellent relations between the states, counties and the Indians..."
(Memorandum from Walter V. Woehlke to the Indian Affairs Commission, October 11, 1939)

The federal government's decision during the 1930's to deny reorganization under the IRA to Indian tribes in Michigan's lower peninsula was erroneous and improper. It must be stressed that the Office of Indian Services' failure to apply the IRA in lower Michigan in no way alters the political, social and legal status of the tribes that remain in existence. Throughout the history of its relations with the U.S. Government until 1935, the Cheboiganing Band was treated as a recognized Tribe by the federal government. At no time in its history has the Band's status as a federally-recognized Tribe been terminated by an Act of Congress. These treaty-signatory Tribes have the same status as any other Indian Tribe regardless of the Office of Indian Services' financial inability to include them in implementing the IRA.

Current federal policy is to promote self-government and economic self-sufficiency for Indian tribes. The Cheboiganing Band, a.k.a.. the Burt Lake Band, is now a non-profit, community-based

organization empowered to act on behalf of its tribal members. The organization has been governed under a State of Michigan Charter and By-Laws since July of 1980. The Burt Lake Band's purpose is to reaffirm the tribe's status as a federally-recognized independent Indian Nation; re-establish a land base; promote the economic self-sufficiency of the Tribe and to practice their sovereign rights to self-determination.

It is with this history and these objectives in mind that the Burt Lake Band is requesting a budget appropriation of \$486,500 to begin rebuilding the Tribe's governmental infrastructure. This is not a request for a Tribal base budget but rather for funds to: (1) develop a plan of operations as a Tribal government and identify necessary Tribal functions; (2) re-establish the Tribe's administrative and managerial capacity to perform government functions and deliver services; and (3) construct a Tribal central office and meeting facility. Based on this work, the Tribe will be in a position to establish its base budget needs for subsequent funding.

The Burt Lake Band's Service area includes the Michigan counties of Emmet, Cheboygan, Presque Isle and Mackinaw. This is an area of Michigan that ranks among the hardest-hit counties in the State by the recession of the late 1980's and early 1990's. These counties are essentially rural in character and cover approximately two thousand square miles. Road systems, telephone networks and utility companies are typical of rural America in that there are primarily secondary roads and fragmented networks of rural utility cooperatives.

The Tribe's membership numbers some 550 individuals. Half of the membership over twenty-one did not finish high school. Thirty percent of our membership households have incomes below the poverty line and thirty percent of our households have working-age members who are unemployed or under-employed. Fully, two-thirds of member households receive some short of transfer payments.

Conditions with our community are typical of Native American communities throughout the United States. The purpose of our funding request is to begin a process of reconstructing our Tribal government infrastructure and delivering services to our membership that should not have been discontinued in the first place. These monies will enable the Burt Lake Band to develop a plan of governmental operations, build the capacity to administer government operations and provide a location for our government.

Thank you for giving me the opportunity to present the Burt Lake Band's appropriations request.

BURT LAKE BAND'S BUDGET REQUEST

BUDGET SUMMARY

FY '94

PERSONNEL	
SALARY AND FRINGES:	\$162,337
TRAVEL:	42,015
EQUIPMENT:	35,750
CONSTRUCTION:	208,000
SUPPLIES:	2,400
OTHER DIRECT COSTS:	36,000

TOTAL BUDGET REQUEST:	\$486,502
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STATEMENT OF AMERICAN ARTS ALLIANCE

Mr. Chairman and distinguished members of the Subcommittee, the American Arts Alliance is grateful for this opportunity to present testimony on FY 94 funding for the National Endowment for the Arts (NEA). We wish to thank this Subcommittee for its continuing support, particularly in the face of the many challenges the NEA has faced over the past four years.

The American Arts Alliance represents the 2,600 nonprofit professional, performing, exhibiting and presenting arts institutions that are members of the Association of Art Museum Directors, the Association of Performing Arts Presenters, the American Symphony Orchestra League, Dance/USA, OPERA America, and Theatre Communications Group.

In the past, the American Arts Alliance has advocated increases in the NEA's budget that would reflect this agency's important work. For FY 94, we would have urged an appropriation of, at minimum \$250 million, the amount required to approach adequate funding of our programs. However, given current budgetary constraints and the need for deficit reduction, we hope that, at minimum, the Subcommittee would approve an appropriation no less than the Administration's request of \$174,593,000. But let there be no mistake about our support for the NEA and for the many positive contributions this agency has made and will continue to make to our American society, culture, and economy.

In FY 92, the \$153 million invested by the NEA attracted \$1.68 billion dollars in contributions and funding from individuals, businesses and other governmental sources. On average, this means that each dollar invested by the NEA attracts \$11 in matching funds. The NEA achieves this return with just 68 cents from each American taxpayer, which creates a 20 fold return in jobs, services, and contracts. More importantly, however, is the fact that the small investment in the NEA (less than two ten thousandths of one percent of the Federal government's budget) has allowed our American culture to flourish. The NEA's commitment to education, outreach, multiculturalism, and excellence has given rise to one of the most vibrant and dynamic cultures on earth.

Nonprofit arts institutions provide the infrastructure for the creation and delivery of our nation's culture to its own citizens and to those around the globe. Since the NEA's founding in 1965, the number of orchestras have increased from 110 to 230; nonprofit theatre companies have grown in number from 37 to 450; opera companies have increased from 27 to 120; and dance companies have grown in numbers from 35 to 450. These increases can be directly linked to the vision and efforts of the NEA.

For more than 25 years, these institutions have depended on the leadership and support they have received from the NEA to provide their vital services. Nonprofit arts institutions provide artists with places to develop, nurture, and present their work and they make this work accessible to citizens in every American community through their outstanding programming and additional educational, outreach, and touring activities.

We wholeheartedly agree with the President's Committee on the Arts and Humanities statement that in education and in civic life, the arts are a basic and central medium of human communication and understanding. In the economy, the arts are a powerful contributor to our nation's wealth, competitiveness, and growth. We would like to take this opportunity to share with you some of the important contributions that, with the help of the NEA, nonprofit arts institutions across the country are making in each of these areas of American life.

IN EDUCATION

Many studies document that the arts stimulate learning and improve overall academic performance. Recent research points to a direct correlation between arts-based learning and enhanced student achievement. In addition, the arts teach important skills that prepare the whole person for life. Our nation's nonprofit arts institutions are committed to education. In fact, they are, in essence, educational institutions and are making important contributions in this area with their many innovative and unique programs.

For example, every other week, children from area homeless shelters are brought to the Arkansas Art Center in Little Rock for art classes. Designed to meet the art education standards

set for schools, the Center's Art Mobile, a gallery on wheels, carries works of art, an arts educator and educational materials into rural areas where the schools cannot meet those standards on their own. The center has special outreach programs in housing projects in North Little Rock that serve at risk children with art programs.

IN CIVIC LIFE

American culture incorporates the heritage of many people and thereby provides a unique context and challenge for multicultural understanding. Changing demographic, social and linguistic trends are transforming our country. As disparate groups begin to look at themselves and each other in new ways, the arts have played and will continue to play a unifying role in this process. Our nation's nonprofit arts institutions are harnessing the dynamic energy of the many diverse cultures that together constitute this nation and are helping to create bridges for multicultural tolerance and understanding. And they are accomplishing this important role with the help of the NEA.

In collaboration with Native American visual artists and storytellers, Oregon's Eugene Ballet Company has created a dance/theatre work based on the legends of the Pacific Northwest Coast Indians titled "Children of the Raven." This work was the focal point for two month-long, NEA funded "Dance on Tour" residencies in rural communities in New Mexico and Arizona which reached over 35,000 people. Residency activities included poetry, storytelling, native arts and movement workshops. Pueblo, Navajo and Hopi tribal communities were closely involved in the residency activities in their areas.

In Oregon and Washington alone, "Children of the Raven" is presented annually in over 50 schools. Students are provided the opportunity to have a "hands on" experience through creating a totem pole, performing accompaniment for the dancers, and dancing in one of the legends. "Children of the Raven" is an example of how history, culture and the arts can be made meaningful through the Eugene Ballet's tenacious and enthusiastic outreach programming for audiences throughout the West. The company traveled over 20,000 road miles last season taking such outreach services to enthusiastic audiences in rural and urban communities throughout the West including Oregon, Washington, Idaho, Montana, Wyoming, Arizona and New Mexico.

IN THE ECONOMY

Across the country the NEA's investment in nonprofit arts institutions has a direct impact in terms of job creation, tax base enhancement, increased tourism, improved development, and growth of auxiliary service jobs. Two examples from Arizona follow.

The Phoenix Art Museum offers a powerful instance of the NEA's leveraging power. In 1988, the museum was 30 years old and, with no endowment, was severely restricted with regard to what it could offer the community. That same year, the NEA awarded the museum \$400,000 for a three to one matching grant. This matching grant encouraged both individuals and corporations in the private sector to come forward to support the museum. Because of the NEA's leadership, today the Phoenix Art Museum has a \$10 million endowment.

In Tucson, Arizona 38 nonprofit arts organizations participating in an economic impact survey reported spending \$93.7 million in the local economy and paying \$3.4 million in sales tax. Audience members at these organizations spent over \$19 million in pre and post-attendance purchases. The study attributed 2,949 jobs to the 38 arts organizations in the study.

CONCLUSION

By investing in our nation's nonprofit arts institutions, the NEA is: contributing to the education of our citizenry in unique and important ways; promoting tolerance and understanding by creating awareness of diverse cultures; providing a catalyst for private sector funding in states across the country; and boosting the nation's economy.

Although the utility of the arts in education, civic life, and the economy cannot be underestimated, the arts are important in themselves. All great civilizations are measured by the arts each generation produces. By nurturing and presenting the works and traditions of people of diverse racial and ethnic origins who make up these United States, nonprofit arts institutions are key to building a vibrant and growing culture that is distinctly American.

STATEMENT OF BEN YAMAGATA, EXECUTIVE DIRECTOR, CLEAN COAL TECHNOLOGY COALITION

INTRODUCTION AND SUMMARY OF STATEMENT:

This written statement is submitted on behalf of the Clean Coal Technology Coalition, an ad hoc group of entities including electric utilities, coal companies, architect & engineering firms, construction companies, equipment suppliers, state governments, universities, the Edison Electric Institute and the National Coal Association. The Coalition was organized in early 1985 for the specific purpose of encouraging the demonstration, deployment and widespread use of clean coal technologies.

The Coalition firmly believes that full funding for Rounds IV and V of the Department of Energy Clean Coal Program is of critical importance for the continued development and demonstration of advanced coal-based technologies which are environmentally cleaner and in most cases more efficient and less costly than conventional coal combustion or coal utilization processes. P.L. 102-381 (Interior and Related Agencies Appropriations for FY '93) deferred by one year \$525 million in FY '93 advanced appropriated funds for both rounds of the program. We urge that this deferment not interrupt or delay full funding for Round IV or selection and funding of Round V projects. Furthermore, we were encouraged to note that the recently passed House budget resolution anticipate continued funding for the ongoing clean coal program.

The Coalition also supports the implementation of the "Innovative Clean Coal and Renewable Technology Transfer Program" as authorized in P.L. 102-486 (The National Energy Act of 1992). This program was created to identify countries and energy projects in developing countries suitable for clean coal technology application. Project proposals are to be solicited from U.S. interests, and co-funding similar to that now required in the domestic clean coal program is to be required. Support of this program would help to decrease the environmental impacts due to growing coal-based power demand in developing countries and will have the added benefit of assisting the U.S. balance of trade, creating domestic jobs, and increasing our international competitiveness.

The Subcommittee is also asked to consider support for a sixth round for the Clean Coal Program. In the alternative, we urge the Subcommittee's consideration of a program designed to insure that technologies developed pursuant to the clean coal program be widely deployed.

Finally, to the extent this Subcommittee will have input into the Clinton Administration's plans to revise the U.S. National Action Plan for Global Climate Change, the Coalition advocates the inclusion of clean coal technologies as part of any revised national action plan. By burning coal more efficiently, power generation facilities utilizing clean coal technologies require less fuel thereby conserving coal resources and reducing the amount of emissions of carbon dioxide generated from coal use. Emissions of CO₂ are believed to be contribution to climate change.

COALITION CONCERNS REGARDING CONTINUED FUNDING FOR ROUND V:

The DOE Clean Coal Program, a government and industry cofunded effort to demonstrate a new generation of innovative coal processes in a series of "showcase" projects, has been enormously successful. To date, 41 clean coal projects are underway or have been completed with a total value of \$4.6 billion. Importantly, 60% of the costs of those projects are being provided by the private sector participants. The fifth round of the program has attracted 24 project proposals from industry to develop super clean, highly efficient coal systems. These proposed projects have an estimated value in excess of \$6 billion. Project selections by the DOE are scheduled for May of this year.

The Coalition encourages the Subcommittee to provide full funding for Rounds IV and V. This action will assure industry regarding the government's intent and also provide confidence that once selected, industry can move forward expeditiously with private sector cost sharing of selected projects.

CLEAN COAL TECHNOLOGY/EXPORT PROGRAM:

Electricity demand around the world, particularly in developing countries, is growing at rapid rates and to meet that demand many countries will be relying upon indigenous coal resources. The National Coal Council estimates that coal capacity worldwide will nearly double over the next 30 years, with 60% of that expected growth in capacity and use in the developing countries, ex-Soviet states and Eastern Europe. China alone is expected to add almost 15,000 megawatts of capacity annually for the next decade and much of that power is expected to come from coal. In addition, the National Coal

Council estimates that the worldwide market for clean coal technologies by the year 2000 could be \$50 billion annually and by 2010, it could reach \$70 billion annually.

The National Energy Act of 1992 (P.L. 102-486) authorizes the "Innovative Clean Coal and Renewable Technology Transfer Program" which is designed to encourage the utilization of U.S. clean coal technologies in demonstration and commercialization projects in lesser developed and third world countries planning to use coal. Funding for the program is authorized at \$600 million over six years from 1993 to 1998.

The Coalition supports the implementation of this program, as it is in the best interest of the United States to encourage the use of advanced coal processes while taking advantage of a burgeoning investment and export opportunity. Also, encouraging the use of advanced technologies in those countries that will use coal will have the added benefit of assisting the U.S. balance of trade, creating domestic jobs, and increasing our international competitiveness.

COALITION SUPPORT OF ADDITIONAL SOLICITATIONS:

Subsequent to Round V, the Coalition urges the Subcommittee to consider additional government initiatives to ensure that technologies developed with taxpayer dollars under the first 5 rounds of the program are fully commercialized so to benefit the nation on a widespread basis.

Given the changing nature of the electric utility industry, utilities will need to be more concerned than ever with cost containment while instituting mechanisms to comply with environmental standards. The Coalition supports a continuation of the clean coal program that is designed to develop and demonstrate affordable coal combustion/conversion and coal cleaning processes. This includes conducting an aggressive demonstration program of new coal-based technologies as well as support for additional projects that are needed to commercialize technologies already demonstrated.

The F.Y. 1992 Interior and Related Agencies appropriations bill directs the Secretary of Energy to examine and assess the benefits of conducting a sixth round solicitation as part of the Department of Energy Clean Coal Program, provided that funds are available and unobligated from the first 5 rounds of the program. The Coalition, as previously stated, supports a continuation of the clean coal program. A Coalition task force was recently formed to determine industry's views regarding the most appropriate next steps to be taken to ensure that successfully demonstrated technologies are utilized by industry. We would like to share these views with the Subcommittee once the task force has completed its analysis.

CLEAN COAL AS PART OF A COMPREHENSIVE U.S. NATIONAL ACTION PLAN ON CLIMATE CHANGE:

In June, 1992, former-President Bush signed the United Nations Framework Convention on Climate Change on behalf of the United States. One of the obligations under that agreement is the preparation of a national action plan to address the issue of climate change. In December of last year, the Bush Administration released the Plan to the United Nations which identifies the types of programs, policies and measures the United States is taking to address the issue of global climate change. According to a statement on March 15th by Madeleine Albright, U.S. Representative to the United Nations, President Clinton intends to revise the Plan to strengthen our national commitment and to most likely stabilize our greenhouse gas emissions by the year 2000.

The Coalition urges the inclusion of clean coal technologies as part of any U.S. National Action Plan expected to be released by the Clinton Administration sometime this summer. By maintaining a flexible position for coal to be a part of a balanced strategy to reduce greenhouse gas emissions through the use of advanced or "clean" coal technologies, the U.S. will help the world devise an economically viable response to climate change.

CONCLUSION AND REQUEST OF SUBCOMMITTEE:

Maintaining a national energy strategy which provides for continued, affordable coal use into the future is important, given the size of domestic coal resources and the amount of U.S. electric utilities which currently rely upon coal to generate power. Clean coal technologies are the only viable option currently available to promote the continued use of coal in a more efficient and environmentally sound manner.

The Clean Coal Technology Coalition is requesting that this Subcommittee continue funding for Rounds IV and V of the DOE clean coal program while strongly considering the value of a sixth round. Further, the Coalition urges the Subcommittee to initiate funding for the Innovative Clean Coal and Renewable Technology Transfer program and to recommend the inclusion of clean coal technology use as part of a U.S. National Action Plan for Climate Change.

STATEMENT OF BILLY CYPRESS, CHAIRMAN, MICCOSUKEE TRIBE OF INDIANS OF FLORIDA

The Miccosukee Tribe of Indians of Florida presents this statement on selected needs which we request be addressed through the FY1994 Bureau of Indian Affairs budget. Like most tribes, the Miccosukee Tribe has unmet needs in most program areas. In recognition of the limited funds available to the Committee, we are bringing to your attention only our most pressing needs. In order by priority as determined by the Tribal Business Council, the needs are as follows:

- 1) \$11,318 for a paralegal to formalize and/or establish vital Tribal Court procedures;
- 2) in the area of water quality, \$38,000 for the aquatic weed control program and \$170,000 for participation in the implementation of the Everglades restoration program;
- 3) expand our wildlife management program through a \$10,000 deer telemetry study;
- 4) quality education for our children who attend the tribal contract school by provision of adequate funding of the Indian School Equalization formula and Administrative Costs grants;
- 5) \$500,000 for Miccosukee from the HIP program; and
- 6) \$21,700 to provide social services all all service area families and children in need

1. Tribal Court Paralegal. Due to an increased civil and criminal case load we need to add a part-time paralegal who can develop on-going court processes including research format and file development, thus freeing the Court Clerk for filing and secretarial duties. The additional staff would also free the Court Administrator to focus on the administrative, judicial and research roles requires by the influx of new cases.

Request: We request one-time funding of \$11,318 to hire a part-time paralegal to aid in the development of critical Court processes.

2. Maintain Water Quality. Our requests regarding water quality are for two separate efforts: Aquatic Weed Control and Everglades Restoration.

Aquatic Weed Control. The Miccosukee Tribe is currently constructing a Surface Water Management System on its Alligator Alley Reservation. Several miles of ditches have already been excavated and water control structures have been installed. This system has the ability to hold water in time of drought and discharge water during the yearly wet season. Immediately following the initial ditch excavation, the canals worked wonderfully. However, aquatic weeds soon began to grow and very quickly choked nearly all water flow. Now, the freshly excavated canals are once again stagnant. The main problem is a weed known as Hydrilla.

The Tribe has consulted with the Aquatic Weed Division of the South Florida Water Management District (SFWMD) and, as a result of that consultation, has met with representatives of Asgrow Chemicals and Dow-Elanco Chemical concerning an aquatic weed control program. Asgrow Chemical will provide training for the Tribal personnel in the proper handling and application technique of the chemicals selected. The chemicals will be applied via a tank sprayer unit. The chemicals to be used are SONAR for sub-surface weeds, and RODEO for canal banks and weeds above water surface. Neither chemical is a "restricted - use" herbicide, and do not require applicator certification. The Tribe will seek applicator certification even though it is not required.

Request #1 for Water Quality A first year budget in the amount of \$38,000 is requested. As more of the Tribe's canals are cleaned, the number of canals to be maintained under this Aquatic Weed Control Program will increase.

Everglades Restoration. The Federal Government and the state of Florida are carrying out a multi-million dollar plan of action to stop the destruction of the Everglades ecosystem and to begin to undo some of the damage that the Everglades has suffered in recent decades. The overall plan includes regulatory measures to be imposed by the state and the construction of "stormwater treatment areas" by the state to remove nutrient pollution from water flowing into the Everglades from the agricultural lands in a portion of the Everglades that has been converted to farm land. These actions by the state, known collectively as the Everglades Surface Water Improvement and Management (SWIM) Plan, are being carried out, in large part, to fulfill the state's obligations under the settlement agreement in United States v. South Florida Water Management District, the lawsuit in which the United States sued Florida for allowing the pollution of the Everglades by failing to enforce water pollution control laws. The Tribe's main community, half of the Alligator Alley Reservation and all of the lands the Tribe holds under perpetual lease from the state lie within the portion of the historic Everglades designated the "Everglades Protection Area" in the settlement agreement and the Everglades SWIM Plan. In August 1991 the Tribe filed a motion to intervene in the federal lawsuit, because the Tribe was

afraid to rely on the federal government to protect tribal interests. In January 1992, the court granted the Tribe's motion to intervene, after the Tribe had entered into a Memorandum of Agreement (MOA) with the Department of the Interior (DOI) providing the Tribe with rights to participate, through DOI bureaus, in the Technical Oversight Committee that oversees the implementation of the settlement agreement.

In the MOA, DOI agreed to provide the Tribe with technical assistance and, subject to the availability of appropriations, with financial assistance to help the Tribe participate in the work of the TOC and other matters relating to the restoration of the Everglades. Throughout FY 1993, the Tribe contacted all three of the DOI bureaus that are parties to the MOA -- National Park Service (NPS), Fish and Wildlife Service (FWS), and BIA -- seeking financial assistance to participate in the Everglades restoration. Each bureau said to ask the other two. Eventually, the BIA did provide the Tribe \$30,000, which was helpful, but not enough. In order to participate effectively in the Everglades restoration, the Tribe needs to employ at least one full-time environmental professional, and to provide this person with support staff and resources. The federal and state agencies, and the agricultural interests, have armies of scientists and technicians. The Tribe needs at least one expert looking out for its interests.

Request #2 for Water Quality We request a BIA appropriation of \$170,000 so that we may protect our interests and participate in the Everglades restoration.

3. Fish and Wildlife Resources. The Fish and Wildlife Resources Management program is funded to manage the resources for sustained yield on the Tribe's Alligator Alley Reservation in Western Broward County. In addition to the Tribe's use, a Permit System allows approximately 1,200 non-Indians recreational access to the reservation for hunting, fishing, and frogging.

We currently conduct aerial surveys of the white-tailed deer herd to estimate population size and sex ratios. These estimates are used as guidelines to establish seasons and harvest regulations. The aerial survey provides a population estimate only for the time period of the count, and cannot take into consideration the daily and seasonal movements on and off the reservation nor does it allow for a determination of the effects of stress situations to the herd, i.e. high water levels.

The data needed to make better informed white-tailed deer management decisions can be obtained only by a radio telemetry study. This would allow for 10 deer, 5 of either sex, to be collared with radio transmitters. The collars have a 3-year life span. Data is needed to aid in the interpretation of the aerial survey counts. The telemetry study will provide the size of the home range, and seasonal and stress migrations of the deer herd.

After data collection and analysis, the Tribe can then utilize the information in preparing their white-tailed deer management plan. The objective of the management plan is to assure maintenance of the deer herd in a healthy condition at proper carrying capacity levels to provide sustained yield for both Tribal and non-Indian use.

Request: The funding needed to purchase equipment for a deer telemetry study is \$10,000.

4. Education. Our BIA-funded tribal contract school faces a shortfall projected at \$140,000. We have provided the Bureau with all requested data in order that they may develop a more realistic appropriations request. The Subcommittee has heard the reasons the Bureau has reached the crisis stage of being over \$20,000,000 under-budgeted for basic operating expenses. The real impact of such an enormous mistake is at the local school level. Already we compete with better funded public school districts for qualified instructional personnel. Now, in the face of increasingly limited funds, we are having to delay purchase of replacement classroom equipment, decreasing vital in-service training, and leaving non-essential personnel positions (such as a curriculum specialist, librarian, counselor) vacant. Ultimately, the children are the ones being deprived of services.

Request: Full funding of the Indian School Equalization Formula and Administrative Cost Grants in order that all Bureau funded schools can provide quality services and programs.

5. Housing. Another critical area of need is housing. According to the 1992 BIA Annual Housing Inventory, the Miccosukee Tribe has 74 families in need of housing. The complex nature of the land upon which the majority of the population resides, e.g., being with the Everglades National Park and, residence being open only to Indian people, makes it difficult to utilize funding sources other than the BIA Housing Improvement Program (HIP). Based upon the allocations received in previous years, we can only build one house per year. Based on conservative cost estimates, construction costs run \$60,000 per unit, including fill costs. It should be noted that due to the land base upon which we have to build, \$12,000 - \$15,000 per home site is required just for the fill. Currently the Tribe holds a valid Army Corps of Engineers Dredge and Fill Permit for the construction of 45 fill pads. Since obtaining the Permit the Tribe has been able to build 23 pads. With the Permit expiring in November 1995, at the current rate of building we will be unable to develop the remaining approved sites.

Request: To protect our people and assist them in obtaining a healthy and safe lifestyle, we request a \$500,000 HIP appropriation for Micosukee for the construction of fill pads.

6. **Social Services.** We currently utilize Indian Child Welfare Act monies for a half-time social services position for a tribal member to work with families and to also provide clerical assistance to the director. Obviously, a person working half-time cannot fill all child welfare and family needs, and so we wish to hire a tribal member as a field worker to provide services to families both on and off the reservation. We will need to train this new employee in responding to the communities needs (family services, parenting, parent-child conflicts, custodial issues etc.) as well as to the required legal and reporting mandates. We will encourage the person in this new position to continue his or her education towards a degree or associate degree in Social Work or related field.

Request: We request \$21,700 in recurring funds to make the current part-time social services assistant position to full-time and for training of this person.

STATEMENT OF THE SITE OPERATOR USERS TASK FORCE

The major goal of the Site Operator Users Task Force remains the same as it has been for the past fifteen years: *for the benefit of our environment and the energy security of our Nation, assist a fledgling alternate transportation system into becoming a commercially viable enterprise.* The Task Force has thirteen sites that contractually cost-share with the Department of Energy to foster commercialization of electric transportation technologies. Commercialization is accomplished through public demonstrations, testing of electric vehicles and associated subsystems, and development of technologically advanced electric vehicle products. The Task Force membership has driven electric vehicles more than a million miles. Task Force personnel collectively have over one hundred years of electric and hybrid vehicle operating experience. With the passage of the Clean Air Act and the National Energy Policy Act, Federal mandates have been established requiring a great technological change. Federal fleets must begin purchasing alternate fuel vehicles by 1993. Other fleet operators are mandated to begin purchasing alternate fuel vehicles by 1996. From small utilities, such as Orcas Power & Light, located in the state of Washington, to large utilities serving major urban population centers, such as Southern California Edison and the Los Angeles Department of Water and Power serving Southern California, the requirement to change our transportation system is clear. This change will create new technologies and create new manufacturing jobs. The Site Operator Users Task Force is truly a unique national coalition of government agencies, utilities, and universities interested in promoting the use of electricity as a transportation fuel. The Task Force is poised to lead the United States into a new environmentally sound energy-efficient transportation era.

RECENT ACCOMPLISHMENTS OF THE SITE OPERATOR USERS TASK FORCE

During fiscal year 1993 the Task Force will spend in excess of \$8.2 million in testing, evaluating, and demonstrating electric vehicle technology. The Federal contribution was \$1.2 million and private contributions exceeded \$7 million. Task Force members used all monies to enhance and demonstrate the commercial viability of electric vehicles. Specific event formats varied from site to site but there was a common theme: Demonstrate the commitment and partnership between the Federal Government and the private sector for the purpose of commercializing electric vehicles with the resulting positive impact to our environment. All sites supported multiple activities. The following is a representation of specific projects that individual Task Force members accomplished during the year.

Site Specific Accomplishments

- ✦ Development of a ten point plan for implementation of electric vehicle deployment, Los Angeles Department of Water and Power, California.
- ✦ Development of a heavy duty electric vehicle propulsion system, demonstrated during Rose Bowl parade, Southern California Edison, California.
- ✦ Developed advance battery and electric propulsion systems demonstrated at Solar & Electric 500, Arizona Public Service, Arizona.
- ✦ Deployment of inductive charging systems, Pacific Gas & Electric, California.
- ✦ Development of legislation to create an entire electric vehicle city, Orcas Power & Light, Washington.
- ✦ Evaluation of new technology electric vehicle systems, Platte River Power Authority, Colorado.
- ✦ Developed and promoted the first commercial low cost curbside charging system, KPL, A Western Resources Company, the Kansas City Power & Light Company, and the Kansas Technology Enterprise Corporation, Kansas.
- ✦ Development of fuel cell and advance battery technology, Texas A&M, Texas.
- ✦ Developed a low cost data acquisition system, which uses inobile phones, to track electric vehicle performance characteristics, University of South Florida, Florida.
- ✦ Developed electric vehicle technician training and certification, York Technical College, South Carolina.

- Engineering evaluations on motor, controller, batteries and electric vehicle repair requirements, Public Service Electric & Gas, New Jersey.
- Showcased state-of-the-art electric vehicle technology in the Nation's Capitol, Potomac Electric Power Company, Washington, D.C.

All reports, data, and products developed by Task Force members are available to the public. Access to specific information is available by contacting the Department of Energy's Office of Transportation Technologies or by contacting a Task Force member. In order to enhance the distribution of information, a brochure highlighting major accomplishments was developed by the Task Force and has been distributed at specific alternate transportation conferences throughout the United States.

CURRENT FUNDING NEEDS OF THE SITE OPERATOR USERS TASK FORCE

The Site Operator Users Task Force membership requests this subcommittee's favorable consideration of fiscal year 1994 line item funding for \$5 million, a \$3.8 million increase over fiscal year 1993's appropriation of \$1.2 million. Although the Site Operator program relies on substantial private sector funding to accomplish its many tasks and objectives, the line item funding provided by this subcommittee is the "glue" which will allow our past experience and investments to be fully utilized in meeting Congressional requirements. Federal and private fiscal year 1994 dollars will be spent in four categories: (1) Vehicle Procurement, (2) Power Source Evaluation, (3) Data Collection/Evaluation and Public Awareness, and (4) Infrastructure Development. A proposed budget is attached for your review.

The Task Force expects to purchase up to 100 electric or hybrid vehicles. If electric vehicles, produced by major automobile manufacturers continue to be extremely expensive, the Task Force will purchase vehicles from small domestic manufacturers specializing in electric vehicle conversions. Small domestic manufacturer's vehicles cost 25% to 50% of major automobile manufacturer's products and are still substantially more expensive than conventional internal combustion engine vehicles. Limited testing of these vehicles suggests a potential for their use in niche markets such as urban commuting and light duty fleet vehicle applications. Additional purchases and testing should validate these claims. Domestic innovation in producing a cost-effective electric vehicle may prove to be the key in providing America with a technical lead in commercializing this product. Electric vehicle power sources will be purchased and evaluated in a "real world" setting. Many of these power sources are "one-of-a-kind" and are being evaluated to establish the capability and economic viability of such a product. The Task Force is the synergism that incorporates many of the Department of Energy's individual research projects into an electric vehicle. Further, the Task Force will continue to collect data and evaluate new systems as they are developed, including the infrastructure components that will be required to support wide-scale usage of electric vehicles.

CONCLUSION

For over 100 years the United States has operated its transportation system almost exclusively on a single fuel. During the same period in American history, the benefits of electric transportation were well defined. Because of technological and political limitations to set up this mode of transportation, electric vehicles were relegated to a mere curiosity. With the passage of the National Energy Policy Act and other environmental legislation, the American transportation sector begins a new era. Simultaneously, the technological ability to solve the remaining limitations of electric vehicles looks to be within our grasp. For the past fifteen years, the Site Operator Users Task Force has provided the private funding dedicated to producing tangible results in electric vehicle technology development and deployment. As part of the Department of Energy's electric and hybrid vehicle team, the Site Operator Users Task Force looks forward to helping Congress and the Department of Energy meet the transportation guidelines and goals established in the National Energy Policy Act.

This subcommittee's commitment of line item funding for the Department of Energy's Site Operator Program will allow the Task Force to continue its work at this most critical time. This subcommittee's commitment of funds will ensure the momentum developed by the Task Force over the past fifteen years will not be lost. The Task Force membership would like to thank this subcommittee for its past and future support.

Proposed Fiscal Year 1994 Site Operator Users Task Force Federal Budget (\$5,000,000)

I	<u>Vehicle Procurement</u>	\$2,000,000
	a) Procure up to 100 electric/hybrid vehicles.	
	b) Recommend minimum of 25 vehicles per manufacture.	
	c) Task Force membership would buy 5 to 10 vehicles per site.	

II	<u>Power Source Evaluation</u>	\$1,000,000
	a) Advanced battery technology Sodium Sulphur Sodium Chloride Zinc Air Zinc Bromine NiCad	
	b) Ultra Capacitor technology	
	c) On board Hybrid systems	
	d) Flywheel technology	
III	<u>Data Collection/Evaluation and Public Awareness</u>	\$1,000,000
	a) MDAS Data Collection System	
	b) Data Evaluation	
	c) Program Management	
IV	<u>Infrastructure Development</u>	\$1,000,000
	a) Curbside systems	
	b) Waste minimization/waste recycling	
	c) Maintenance and training programs	
	d) Assessment of Utility Impact	
	e) Rapid charger systems	
	f) Rapid opportunity charger systems	

Proposed Federal Budget (fiscal year 1994)
for Site Operator Program **\$5,000,000**

*** This budget was prepared by the Site Operator Users Task Force Chairman ***

STATEMENT OF LAWRENCE JOSEPH, JR., TREASURER, SAUK-SUIATTLE INDIAN TRIBE

Sauk-Suiattle Indian Tribe Priority Requests: Tribal Level

1. Increase of \$200,000 in BIA to Improve/Expand Tribal Law Enforcement Capabilities Added to Tribal Priority Allocations, Public Safety and Justice Law Enforcement, Tribe/Agency Budget Base;
2. Increase in BIA Indian Child Welfare to \$50,000 for Tribal Program and Increase to \$25 million, nationwide, Added to BIA Tribal Priority Allocations, Human Services, Indian Child Welfare Act Budget Base;
3. Increase of \$200,000 in BIA to support Core Tribal Administrative Staff in Tribal Priority Allocations, Tribal Government, Other Aid to Tribal Government, Tribe/Agency Budget Base.
4. Increase of \$75,000 for Tribal Fisheries Management to Address inflation/administrative erosion of budgets as part of twenty western Washington and NWIFC Tribes \$1.575 million request added to BIA Other Recurring Programs, Resources Management, Wildlife and Parks Budget Base.
5. Increase of \$120,000 for Skagit System Cooperative Research & Protection of Skagit River Salmon from Hydro-Power Projects Added to BIA Non-Recurring Programs, Trust Services, Water Rights Negotiation/Litigation Budget Base.

Sauk-Suiattle Tribe's Requests and Recommendations: Regional Level

- * Increase of \$600,000 for the Northwest Inter-Tribal Court System operations including additional an Associate Judge, Public Defenders, Administrative Staff, Informal Dispute Resolution and Appellate Court Service functions, Training, and a Computer Inter-Active Network System added to BIA Tribal Priority Allocations, Public Safety and Justice, Tribal Courts Budget Base.
- * Support the FY94 appropriation requests of the Northwest Indian Fisheries Commission on the BIA and Fish and Wildlife Service; Restore proposed reductions to Tribal budgets and direct Tribal services.
- * Support FY 94 IHS appropriations recommendations of the Portland Area Indian Health Board.

Sauk-Suiattle Tribe's Request and Recommendations: National Level

- * Support the FY94 Appropriation Recommendations of the National Congress of American Indians and National Indian Health Board.

Background on Sauk-Suiattle Indian Tribe

The Sauk-Suiattle Indian Tribe, Signatory to the Treaty of Point Elliott of 1855, resides on a 13 acre reservation near our original homelands in the foothills of the Cascade Mountains in Western Washington State. We're a small Tribe of

200 members, with 170 of our people living on our reserve. We never received a reservation after the treaty as the lands set aside for our Tribe were already taken by others. We settled on our current site in 1984. Through tenacity and hard work, we now have twenty homes, a small Tribal administration facility, a Social and Health Services Building, and a traditional long house partially completed for ceremony, celebration and other Tribal gatherings.

As a small Tribe with very limited resources, this is our second official presentation to the Congress and the Interior and Related Agencies Appropriations Subcommittee. Basically, our requests last year remain the same this year as almost all issues were unaddressed except for year-end funding to purchase a new police car. By consortium arrangement with neighboring Tribes, we have a part-time court clerk, and an Indian Child Welfare Act program. Our Tribe has one police officer, a CHR and an alcoholism prevention initiative. We don't have any general administrative personnel, including clerical staff, as most financial support is for direct services and our indirect cost is too small in the aggregate to afford more than an accountant.

Tribal Law Enforcement Increase Needed to Maintain Public Safety and Order, Through Presence and Service

Our Law Enforcement Service consists of one underpaid, overworked officer operating through a small BIA Self-Determination contract. As you can imagine, one officer in our isolated location has no back-up support other than the community good will. His enforcement equipment consists of a BIA handgun and a recently purchased police car. An enforcement radio communications system is on order. Our pristine location attracts some of society's less desirables creating constant challenges to Tribal authority. Jail services are limited due to the small amount of money available in our contract. The adult jail facility is five hours away round-trip and the juvenile detention facility six hours away requiring transport of offenders. And, no probation/truant officer means our more troubled juveniles are not held accountable. It's a difficult situation.

We request funding to increase our law enforcement capabilities with two full time officers, a full time probation/truant officer, an adequate jail service contract level, and dispatch services. This \$200,000 FY94 appropriation, added to the BIA Tribal Priority Allocations, Public Safety and Justice, Law Enforcement Tribe/Agency Budget Base, would also provide for another police car and associated operation/maintenance expenses, bonding capability, enforcement equipment and training, and necessary operational expenses. Under a Government-to-Government Memorandum of Understanding with Skagit County, we could also provide an important support role to the Skagit County Sheriff.

Indian Child Welfare Services Critical to Our Tribe's Future

When a large Tribe loses a child through the welfare system, it's indeed a tragedy. When a small Tribe such as Sauk-Suiattle loses a child to the system, it's devastating. Through a consortium arrangement, we maintain an Indian Child Welfare service to place youth from troubled families in appropriate adult care. Recent BIA regulatory options jeopardize our service capabilities due to inadequate funds and our competitive disadvantage with larger Tribes. We don't have the statistical numbers so popular with policy makers, but we certainly have a justifiable need given our situation. We need a full-time ICW staffer as our current consortium arrangement isn't working. A commuting caseworker from another Tribe simply isn't sensitive to our culture and traditions. Indian Child Welfare work is difficult; mixing cultures makes the service almost a foreign intrusion.

We request Congressional recognition of our vulnerability as regards Indian Child Welfare needs by designating a \$50,000 appropriation to our Tribal base budget through the BIA Tribal Priority Allocations, Human Services, Indian Child Welfare Act account. This funding commitment would allow us to employ a full time administrator/counselor and one part-time assistant to work with dysfunctional families and, when necessary, place our youth in suitable alternative family environments. Dedicated ICWA funds would also provide the needed stability for multi-year staff commitments and continuity of service in this sensitive field. We also urge Congress to increase ICWA funding to \$25 million so that all Tribes, nationwide, can receive basic program funding. Hopefully, we can avoid the troublesome competition for funds and frustrating allocation policies all Tribal governments must currently endure.

Tribal Administration Support Essential for Effective Management and Development

We simply don't have the funds to operate our Tribal government administration due to our small size. Previous BIA programs to assist Tribes like us have been reduced or eliminated. Our contract level is very small as we rely on funding for direct services through consortia arrangements managed by others. Thus, our Contract Support Funds for administration are limited to supporting our accounting and financial management. No Federal programs support Tribal management directly. This situation adds administrative burdens on already over-committed service delivery personnel. Without a central administration, we can't compete in the proposal-driven Federal funding process. Without a central administration, we rely on part-time help or volunteer work from the Tribal Council and membership.

We request a \$200,000 appropriation increase to support a core Tribal administrative staff added to the BIA Tribal Priority Allocation, Tribal Government, Other Aid to Tribal Government Budget Base. With this support, we would employ a competent Tribal Administrator to manage all Tribal programs, an Assistant Administrator for support, a planner/grantsman to help us research and competitively respond to grant/contract funding sources, and employ a clerical staffperson. This funding the first year would also provide a Tribal computer/printer and two lap-top computers, training expenses, and operational supplies. We request that these funds be designated to be added to the BIA Tribal budget base to give us some administrative stability in the future.

Support Requested for Northwest Inter-Tribal Court System Expanded Staff and Capabilities

The Northwest Inter-Tribal Court System (NICS) is a consortium of fourteen Northwest Tribes who share a "circuit" court program. We employ a part-time court clerk through BIA Judicial Services. The NICS provides an on-site judge,

prosecutor, court reporter, and occasionally a public defender service for our Tribe to administer impartial and fair justice for our members. The NICS service provides a critical, irreplaceable function for the Sauk-Suiattle Tribal government.

The NICS has requested a \$600,000 appropriation increase in FY94 to improve its judicial services capabilities by adding an Associate Judge, an accountant, salary increases for underpaid professional staff, public defenders, informal dispute resolution staff, and a strengthened Appellate Court. Also, NICS proposes to create a telecommunications network among the Tribal courts to reduce paperwork and improve information management efficiencies. The 1991 report of the U.S. Commission on Civil Rights concluded that the fundamental problem facing the Tribal court system is lack of funding. The Indian Civil Rights Act provisions and the Justice most Americans take for granted are all meaningless if there's no financial foundation. We urge Congressional support for the NICS appropriation request which could create a model for other Tribal consortia or collaboration among small, rural communities.

Skagit System Cooperative Needs Support to Monitor/Protect Skagit River from Hydro-Power Effects on Salmon Resource

The Skagit System Cooperative is the fisheries management entity for the three Skagit River Indian Tribes including the Sauk-Suiattle Indian Tribe, Swinomish Tribal Community, and Upper Skagit Indian Tribe. The Skagit River, designated a Wild and Scenic River in 1978, can no longer sustain the once abundant salmon runs due to continued habitat degradation from logging, commercial/residential development, and hydropower generation. Neither the Cooperative nor the member Tribes have the capability to effectively monitor hydropower licensing and operations on the river which negatively impact on salmon.

We request \$120,000 to assist the Skagit System Cooperative monitor hydropower activities on the Skagit River System to protect the stream flow and habitat for salmon. As a result of a landmark settlement, the Seattle City Light's Hydroelectric Project Relicensing Agreement, stream flows are to be maintained to protect fisheries. However, we made obligations to monitor and assist in implementation, based on the assumption that adequate funding from the Bureau would continue. Unfortunately, this has not been the case. In addition, Baker River sockeye salmon, as a result of a hydroelectric dam, has the potential to be listed under the Endangered Species Act. Finally, there are 43 large and small hydroelectric projects existing or proposed for the Skagit River. The Skagit Tribes have no other source of funds to implement the settlement agreement, or to review or resolve other current or proposed projects. We seek your assistance to help arrest the decline of salmon stocks within the Skagit River Basin.

Tribal Fisheries Management Capabilities Have Declined Over the Past Decade Due to Inflation, Unrestored Administrative Sequestrations; Tribes Request Congressional Cost Adjustments

The Sauk-Seattle Indian Tribe requests a \$75,000 increase in fisheries management support in conjunction with the twenty western Washington Tribes \$1.575 million collective request added to the BIA Other Recurring Programs, Natural Resources, Wildlife and Parks Budget Base to correct a decade of unaddressed inflation and recent annual budget sequestrations. Each year Congress recognizes Cost of Living Adjustments (COLA) and inflation in Federal budget appropriations for the bureaucracies, but Tribal Self-Determination contractors are basically denied these logical financial corrections. Since the Congressional Budget Act of 1990, Congress has applied across-the-board sequestrations as a means to balance its appropriations with the allowed budget allocations. The BIA applies these sequestrations each year to Tribal programs, yet never restores the reductions in the ensuing Fiscal Year Budget Justifications.

The cumulative result of these annual budget reductions due to inflation and sequestrations is a logical diminishment of Tribal fisheries management capabilities. Over the years, professional staff positions have been lost, necessary operational maintenance delayed and general restricted operation due to these budget losses. Our appropriations request, added to the BIA budget base, would restore our fisheries management program capabilities to current cost realities.

Small Tribal Governments Have Special Needs

In conclusion, we appreciate the time and consideration you've given our requests and recommendations. We are a small Tribe. This is the second time we've made a presentation to this Committee. We urge that Congress remember the small Tribal governments, our management problems and needs, in your appropriation decisions. And most importantly, we urge that funding for Tribal governments, their programs and their development, be given the highest priority. Thank you.

STATEMENT OF THE AMERICAN INSTITUTE OF ARCHITECTS

The American Institute of Architects (AIA), representing 54,000 of the nation's architects, supports the appropriation of \$97.5 million for the FY '94 building-sector portion of the Department of Energy's energy conservation programs.

Approximately 40 percent of the nation's energy is used to heat, cool, and light homes, commercial structures, and factories. The residential sector alone uses over 20 percent of all energy in the United States. These figures make obvious the important contributions architects make toward decreasing energy waste and, subsequently, energy demand. Energy-conscious design, retrofitting, and modification offer massive savings in economic terms and increased property values. Given that building design is a major factor affecting energy demand, architects play a significant role in reducing energy consumption.

Energy conservation rests on the fundamental principle that quality design is a combination of innovative and creative responses to real, pragmatic concerns. In the past, it was primarily mechanical engineers who were responsible for solutions to energy problems. During the last 20 years, however, architects have assumed greater responsibility for the energy efficiency of America's buildings. Considering that architects specify more than 70 percent of all building materials for our built environment, they maintain a fundamental role in the way structures are created and operated. With increasing frequency, clients, building owners and managers, and allied building professionals expect architects to incorporate energy efficiency into their designs for cost savings and reducing energy consumption.

The Energy Policy Act of 1992 authorizes a number of programs that would greatly assist architects and other building professionals in providing energy-efficient building materials and construction techniques. The act initiates an FY '94 appropriation of **\$4 million for the Advanced Buildings by 2005 program**. This provision calls for research, development, and demonstration of new technologies for integrated building design and products to provide affordable and commercially viable low-emission, low-energy residences by the year 2005. By performing the research soon, architects, working with other building industry professionals, can greatly improve the energy efficiency of buildings. The AIA encourages the committee's full funding for this program.

Section 2104 of the act authorizes a **\$5.5 million building systems research program** that includes **\$2.4 million for Design for Best Buildings**, a program for newly constructed commercial buildings focusing on commissioning (new methods of evaluating a building's performance), advanced building design, and practice tools for the development of new environmentally benign design and construction processes. Building systems research also provides **\$1.2 million in research on passive solar technology**, incorporating integrated design technologies of particular concern to the architect.

Considering that lighting is the single largest form of commercial energy consumption, efforts to make lighting more energy efficient will not only reduce the use of energy for lighting, but also will affect the heating and cooling of buildings. Under title I, **\$4 million is requested in FY '94 for establishing regional training centers** to promote energy-efficient lighting, heating, cooling, and building design. These centers will not only provide training in energy-efficient building systems for architects and other design and construction professionals, they will also serve as clearinghouses for case studies which describe the design and construction of energy-efficient buildings. Architects and the AIA have developed and disseminated many case studies illustrating how cooling loads have been reduced by improving the site location of the building and the glazing used for the windows and maximizing the energy efficiency of the lighting system.

The regional training centers hold two promising results for architects and allied professionals. First, many architects have pushed the limits of energy-efficient design, specifically in the area of daylighting and lighting technologies. The data compiled on a case-study-by-case-study basis constitute a crucial educational tool for the rest of the profession. Architects are eager to share their successes with those who would benefit from this information and look to the regional centers as valuable vehicles to provide this service. Second, architects, named in the Energy Policy Act as beneficiaries of the latest in lighting, heating, and cooling technology, would find the centers a most valuable resource. Although case studies illustrate how architects have reduced building energy use and associated energy costs by more than 50 percent, this information needs to be circulated among architects and allied professionals. Organizations such as the AIA can provide extensive networks to deliver information to their respective constituencies. The AIA encourages mutual cooperation between the Department of Energy and architects in the successful creation of these centers and urges your full support for the \$4 million earmarked for these centers.

For FY '94, **\$8 million is requested for investment in educational and training programs for developing and improving state energy codes**. Funds would provide technical assistance to states and training for professionals, officials, and practitioners, as well as upgrading voluntary standards on energy efficiency. Architects, already active in state and local code-making efforts, would be a valuable resource for the development of these regulations as professionals responsible for their implementation. Organizations such as the AIA provide extensive component networks for the dissemination of this information, and the AIA urges full funding of this program.

The act also amends the Energy Policy and Conservation Act to establish programs for the development of building retrofit standards and regulations. **Four million dollars is requested to initiate a program of building-system research involving standards and retrofit technology for commercial buildings.** Diagnostic tools, field research, technology upgrading, audit technology, home-energy rating systems, and residential efficiency rating systems would prepare architects with information and guidelines for this growing practice market.

Part of the AIA's ongoing work is to identify trends affecting the profession as it moves into the next millennium. Building renovation is a growing marketplace that the architectural profession must focus on now. The nation's built environment looks back on unprecedented development and surplus office space. Conversely, the nation's older metropolitan areas suffer from changing economies, declining populations, and underdevelopment in the urban core. America is turning to its existing building stock for space to live and work. Over 35 percent of design services performed by architects last year was in rehabilitation, up 5 percent from the previous year. Some experts predict that nearly 90 percent of the buildings we will be using in the 21st century exist today. We must develop retrofit standards and regulations that plan for energy efficiency in existing buildings as this marketplace grows.

Architects recognize their professional responsibility to acquire the skills necessary for incorporating energy efficiency into the design process. These skills include life-cycle costing, energy auditing, daylighting, solar design, and computer analysis. In order to address these skills, the profession needs the latest technological information to incorporate them into practice. The dissemination of the federal government's basic research in energy-efficiency technology is elementary to equipping practitioners with the professional knowledge necessary to make informed decisions during the construction process. This research, at times highly technical, must be given to architects in a form that is straightforward and usable. For architects to take advantage of the design process to achieve energy savings in their projects, they must have information on energy-savings options at the same time they make decisions on the size, shape, orientation, and layout of a building. The AIA supports funding the mechanisms for technology transfer in the 1992 Energy Policy Act. With its national network of component offices, the AIA can provide a conduit to the Department of Energy for the distribution of this information.

America's dependence on nonrenewable energy sources and the technology by which they are captured and used will not diminish in the near future. It is likely that all traditional energy sources will become increasingly expensive. New technologies that provide low-cost, environmentally acceptable energy require time to mature. Bringing new technology to a point where it dramatically influences the energy economics of a country could take 25-30 years. The 1992 Energy Policy Act sets some of the groundwork for reaping the benefits of this technology—benefits that architects have been awaiting for some time.

STATEMENT OF STEPHEN JANGER, PRESIDENT, CLOSE UP FOUNDATION

Mr. Chairman, distinguished members of the Subcommittee, my name is Stephen Janger and I am president of the Close Up Foundation. It is a privilege for me to submit this testimony updating you about Close Up's progress in providing citizenship education opportunities for American Indian, Alaska Native, and Pacific Island students and educators.

Before I discuss those programs, however, I want to thank the Subcommittee for your past support. The funds you have made available through the Department of Interior's Bureau of Indian Affairs and the Office of Territorial and International Affairs have enabled Close Up to reach underserved student populations of the Pacific Islands and Alaska Natives and American Indians. I speak for thousands of participants, their schools, families, and communities, in expressing our gratitude for all that you have made possible for them.

Since its beginning in 1970, Close Up has grown to become the largest nonprofit, nonpartisan citizenship education organization in the nation. We are proud of this growth and the continued quality of our programs. Unquestionably, one of the most rewarding and measurable aspects of Close Up's work is our focus on underserved, at risk student populations. The Alaska Native, American Indian, and Pacific Island populations are exactly the types of special constituencies the Foundation hopes to reach and to expose to the rights, responsibilities and pride of living in a participatory democracy.

Close Up's goal of reaching students who are economically, socially or geographically disadvantaged has had enormous appeal and support among Alaska Native, American Indian, and Pacific Island students and educators. We witness tremendous enthusiasm from program participants while they are in Washington. The feedback we receive indicates this enthusiasm continues to grow and to take root in many positive ways back home in the participants' communities.

Close Up is well aware of the budgetary constraints of this Subcommittee, yet we are extremely hopeful of maintaining the thrust of this important work. Therefore, we are respectfully requesting the same level of funding that the Subcommittee provided last year.

CLOSE UP FOUNDATION'S ALASKA NATIVE PROGRAM

For six years, Close Up's Alaska Native Program has focused its efforts on reaching students and educators in the most remote and isolated regions of Alaska. The geographic and cultural isolation of many high school students in Alaska can worsen the problems that face most teenagers. Students in these remote areas often feel forgotten and have few, if any, resources to help them contend with the seriously alarming problems of family violence, alcohol and drug abuse, and teenage pregnancies. The everyday problems and pressures many of these young people face are unfathomable for us. The students' ability to concentrate on school and to appreciate that there is a relationship between what they are learning and their future is very difficult.

These students and their concerns are at the heart of Close Up's historical and growing mandate to reach at risk student populations. Close Up's programs work to build the self-esteem of students and to demonstrate the link between what they learn about our system of government and what they must know to participate effectively in the American democratic process.

Close Up's Washington High School Program offers students "hands-on" exposure to the federal government through workshops, meetings with their representatives and Senators, and instructional seminars during visits to sites of historical significance, such as the Jefferson and Lincoln Memorials.

The report, "Toward the Year 2000: Listening to the Voice of Native America," emphasizes that Alaska Native and American Indian students learn best in experiential and participatory programs. Close Up's trained instructors are well aware of the different learning styles of Native students. The Foundation has successfully adapted our programs and has specifically trained our instructors to engage the students in the issues and processes of public policy.

Although the program for Alaska Native students and teachers has a special focus, the program participants are integrated with all of the other Washington High School Program participants. In this way, all of the students benefit from the exposure to the diverse cultural, geographic, and ethnic makeup of America. By sharing opinions and concerns about local, national, and global issues, the students gain confidence in themselves and develop an appreciation for the concerns of other people.

Close Up is proud of the quality programs offered to Alaska Native students and educators. This past year nearly 107 students, educators and administrators received fellowships to come to Washington and take part in an intensive learning experience. For fiscal year 1994 (the Foundation's 1993/1994 program year), the Foundation expects to have a level of participation approximately equal to last year's.

CLOSE UP FOUNDATION'S AMERICAN INDIAN PROGRAM

Consistent with Close Up's mandate to reach underserved student populations in this country, we place a high priority on our efforts for American Indian youth. Close Up has continued to expand the Washington High School Program to include more students from BIA and ACT schools. From October 1992 through May 1993, 144 students and 36 educators were able to come to Washington, DC and take part in Close Up's programs. In fiscal year 1994, the Foundation anticipates approximately the same number of student and educator participants. In addition, Close Up is continuing to work to expand learning experiences beyond Washington to the participants' communities.

In 1992, the Foundation hosted a focus group for American Indian educators to meet and to discuss issues and ideas relative to American Indian education. The recurring message we heard from Native educators is that very few classrooms have publications highlighting the rich and diverse history of American Indians or Alaska Natives. As

noted in "Toward the Year 2000: Listening to the Voice of Native America," the study of Native American language, law, history and culture is essential for "students of Native heritage to build pride, confidence and understanding."

Close Up has begun a collaborative effort with Native educators to develop curriculum about tribal government structure and the dual citizenship of Natives. This effort will produce a publication for use in social studies classrooms. The publication will consist of lesson plans, background materials and primary source documents, such as treaties. Later this summer the curriculum writers will gather in Washington to continue this exciting process with a writing session to draft the lesson plans and other relevant materials. During fiscal year 1994, the Foundation's goal is to review, edit, and publish the materials. The Foundation also expects to begin the dissemination of the publication to educators of Native students.

The American Indian and Alaska Native educators strongly believe this curriculum will enhance Native students' understanding of their world and their relationship to the federal government. Further, the goal of enhancing Native students' pride and confidence in their rich heritage can only help to increase their self-esteem and promote increased participation in the processes of both the federal and tribal governments by these dual citizens.

CLOSE UP FOUNDATION'S PACIFIC ISLANDS PROGRAMS

During the current 1992/93 academic year Close Up has provided a wide range of civic education opportunities for residents of the Pacific Islands. High school students and educators have come to Washington to take part in a specially designed two-week government studies program; Close Up Local Programs have thrived with hundreds of Pacific Islanders actively participating in their own communities; and, Close Up is expanding a new civic learning program to Pacific Island students in the fifth through ninth grades. The growing demand for these programs speaks to the need that exists for information about democratic citizenship and an understanding of the relationship of the various regions with the United States.

Approximately 330 students and educators have been involved in the specially designed Washington High School Program for Pacific Island participants during the 1992/93 program year. Of that number, approximately 230 students and educators received grants to cover tuition and related costs. The participants included students and educators from American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, and the Republic of Palau. For the Washington High School 1993/94 program year, we plan to have approximately the same level of participation in the Pacific Islands Program as the current year.

In Close Up's work with Pacific Island educators, we have learned that many students do not finish high school. As a result, materials developed for Pacific Island high school students unfortunately never reach a portion of the intended audience. In partnership with Pacific educators, Close Up has embarked on a new and exciting venture to provide civic education materials for students in the fifth through ninth grades. Close Up hopes to adapt the successful Civic Achievement Award Program (CAAP) for Pacific Islanders. Two curricula, each appropriate for a particular island entity, are presently being developed. These materials will be carefully critiqued by Pacific educators. Our plan is to follow this with training sessions for the teachers who will implement and field test the program in the Republic of Palau and the Republic of the Marshall Islands in the fall of 1993.

Elementary and middle school students will study their country's history and learn how historical and current events relate to their own behavior as citizens. Specific historical timelines are currently being developed by two research teams selected by the Marshall Islands' Ministry of Education and the Palau Ministry of Education. They are reviewing and revising CAAP materials, including the accompanying teacher manual, for relevance to their islands. During the pilot year, approximately 30 educators and 600 students are expected to take part in the program.

In 1994, Close Up hopes to work with two more island entities to develop curricula for their students based on the model we are using in the Republic of the Marshall Islands and Palau.

* * * * *

Mr. Chairman, the support of this Subcommittee has provided Close Up with the opportunity to serve the special constituencies of Alaska Natives, American Indians, and Pacific Island students and teachers. There is much yet to be done and we are very excited about our plans for the coming year. We respectfully request that you

continue our funding at the \$300,000 level appropriated for fiscal year 1993 for our program for Alaska Native and American Indians, and at \$1,025,000, the level appropriated for fiscal year 1993 for our Pacific Islands Program. We appreciate the confidence the Subcommittee has shown in the work of the Close Up Foundation and we believe our plans for the upcoming fiscal year will merit your continued support. We would be happy to respond to any questions and to provide any additional programmatic or budgetary detail. Thank you very much.

**STATEMENT OF KAREY PATTERSON BRESENHAN, PRESIDENT,
QUILT MARKET, QUILTS, INC.**

This testimony deals with the appropriation for the Smithsonian Institution. The Smithsonian's budget is \$344.5 million.

PROBLEM: The Smithsonian Institution, a quasi-governmental entity which receives 85% of its annual budget from tax dollars, has entered into a three-year licensing agreement permitting copies of its unique treasury of antique American quilts to be made in China, imported into the United States, and sold through mass merchandisers at cheap prices. In return, the Smithsonian was paid a \$5000 advance and receives a small royalty of 5% on the wholesale price of each quilt sold; initial estimates called for no more than \$100,000 in royalty revenues in the first year.

This action by the Smithsonian has not only devalued a uniquely American art, but the entire American quilting tradition. It has also created an expensive problem for the billion dollar American quilting industry, a home-grown industry that is made up of more than 1000 manufacturers of quilting supplies and 3200 quilting retailers serving at least 10 million American quiltmakers. An industry survey indicates that because of this, the first-year loss in retail sales of quilting supplies will probably exceed \$46 million. This means that the United States could lose almost \$7 million in taxes per year due to these imported quilts. And these figures do not include the incalculable losses sustained by the individual quiltmakers who make quilts for a living, and who have found to their sorrow that these cheap imported quilts have destroyed the market for their beautiful work.

* Losing \$7 million to earn \$100,000 *is not right*.

* Permitting a tax-supported institution to engage in unfair competition with a tax-paying American industry made up largely of small, women-owned businesses *is not right*, particularly when it is the small businesses of this country that create the majority of new jobs.

* Raiding "America's attic" of the irreplaceable quilts entrusted to the Smithsonian's care and flooding the United States with shoddily-made, cheap, imported copies of these quilts *is not right*. These quilts are so poorly made that the Smithsonian's own catalog does not offer them for sale.

Indeed, a Smithsonian official told a gathering of representatives of the quilt community last year that these quilts were not intended to meet the quality required by the Smithsonian's catalog. This, too, *is not right*.

* Permitting the Smithsonian quilts to be copied by Chinese laborers while American quiltmakers go jobless *is not right*. As the *Hartford Courant* said in an editorial on November 23, 1992: "Officials at the national museum in Washington, D.C. should be helping to preserve the quilting industry in the United States instead of profiting from the export of quilting jobs. . . And the institution designated to preserve and protect this nation's heritage should especially worry about where those copies are made, so that the craftsmen creating future museum pieces aren't put out of work."

* In these days of concern over the balance of trade, permitting a tax-supported institution to damage an American industry which is steadily developing a significant export market for quilting supplies *is not right*.

* Allowing our national museum to demonstrate such lack of respect for America's textile heritage and for the women who created the quilts that have now become one of the most widely recognized symbols of America *is not right*.

* Sullyng the Smithsonian's name, integrity, and reputation by allowing its involvement in a cheap marketing scheme to exploit its quilt collection *is not right*.

RESOLUTION: There are several possible solutions to this problem.

1. We—the U.S. quilting industry and the 25,000 U.S. taxpayers who have signed petitions of protest in a nationwide drive conducted through America's quilt stores—request that the Smithsonian Institution voluntarily abrogate this licensing agreement by invoking the "escape" clause which states: "If, at any time, Smithsonian deems that the continued development, manufacture, or sale of any Smithsonian Product will harm, bring into disrepute, or affect the integrity of the Name, or is not in keeping with the dignity, history, and traditions of the Smithsonian Institution, Smithsonian shall have the right to withdraw its approval previously given."

2. If the Smithsonian chooses not to abrogate this agreement, reportedly the current position of the museum, then we ask that the Senate act to compel the museum's withdrawal from this objectionable and damaging agreement.

3. We ask that the Senate Subcommittee recommend funding the Smithsonian's budget request *only conditionally*, with any two of the following conditions to be required:

a. Before funds are released, the museum must abrogate the licensing agreement and release no quilts for reproduction other than the initial four designs;

b. Before funds are released, the museum must require that the 7-8 quilts pending under this agreement be made solely in the United States instead of overseas.

c. Before funds are released, the museum must actively pursue and implement other non-controversial marketing opportunities such as:

(1) Licensing a limited edition, made-in-America collector's fabric series based on fabrics found in the Smithsonian quilts—initial estimates indicate that this license could earn more than \$100,000 for the museum's Textile Department in the first year. When polled, quiltmakers across the country have cited this possibility as being the most preferable way for the museum to raise funds based on its quilt collection. We have had an American fabric manufacturer ready to begin this project for more than one year; this company would agree to dye and print this fabric in the U.S. using only American-grown cotton.

(2) Licensing a five-year series of educational videos—A Tour of the Smithsonian's Quilt Collection—for sale through the museum's catalog and gift shop, through direct mail, and through the nation's quilt shops. It is estimated that sales of this video could produce more than \$100,000 in licensing fees for the Textile Department in the first year alone. This video series would permit any American, regardless of proximity to Washington, to take full advantage of the extraordinary quilt collection in our national tax-supported museum. Otherwise, this collection is virtually inaccessible because quilts are so seldom put on display in the museum, and the quilt storage area is so cramped that visitors are not encouraged.

4. So that this problem does not occur again to threaten other U.S. industries with the unfair competition of going up against a museum that is 85% tax-supported, we ask that the Senate Subcommittee recommend Congressional action to require the Smithsonian Institution to select U.S. manufacturers over foreign manufacturers when licensing reproductions, if such foreign manufacture would have a negative effect on a U.S. industry.

CONCLUSION: America holds the Smithsonian to a higher standard than other museums. In enjoying the nation's respect and indeed reverence as "America's attic," the Smithsonian must also accept the responsibilities that go along with this status. These responsibilities should not involve auctioning off the nation's textile heritage to the highest bidder. These responsibilities should not permit a tax-supported institution to place itself in a position that has the potential to destroy or damage a growing U.S. industry: quilting. These responsibilities should not permit the museum to use our hard-earned tax dollars to jeopardize this cherished American art. *This is not right.*

STATEMENT OF MICHAEL D. LINDBERG, COMMISSIONER, URBAN CONSORTIUM ENERGY TASK FORCE

This testimony is presented on behalf of the Urban Consortium Energy Task Force (UCETF). The mission of the UCETF is to identify and address the energy issues of the greatest concern to large urban governments.

Funding for the program is provided through the DOE Office of Technical and Financial Assistance, Municipal Energy Management Program. For FY 1994, the Administration has requested \$2,977,000 for the Municipal Energy Management Program, a significant increase in prior year funding. This recommendation for increased funding is very important, particularly in view of the central role to be played by urban governments in the implementation of the national policies to promote greater energy efficiency and the use of renewable energy and alternative fuels contained in the Energy Policy Act of 1992.

The central focus of the UCETF program is the conduct of hands-on, applied energy research, development and application programs (including technology transfer programs) by local governments staff. The UCETF program has historically been one of the very few Federally-supported energy programs directed specifically at urban governments. The UCETF program is the only existing mechanism for cities to develop and share experience and expertise to achieve solutions to specific energy problems. The program allows cities to define energy research priorities and apply limited research dollars, substantially leveraged by private and other public sector funds, to those programs that answer the most significant needs of local government.

The City of Portland has benefitted substantially from our participation in the UCETF program in the last several years. A total of \$340,000 in UCETF grant funds have come to Portland since 1989 to support energy efficiency efforts in the Portland area. A primary effort funded by the UCETF was the Sustainable City Project which resulted in the development and adoption of a new energy policy in April 1990 with a goal of increasing energy efficiency by ten percent by the year 2000. Since 1990, the new energy policy resulted in \$738,000 of leveraged funds from local utilities, the State of Oregon, City of Portland, and the United States Environmental Protection Agency for additional energy efficiency programs. These funds could not have been raised without the adoption of a new energy policy and the primary financial support from the UCETF.

Throughout the program, a fundamental goal has been the transfer of knowledge, successful program results and technologies uniquely suited for urban applications. The UCETF has emphasized building the capabilities of local government staffs and

supported peer-to-peer transfer of demonstrated successful technologies, management practices, or means of resolving institutional barriers common to local governments.

With this program history and emphases on energy efficiency, technology transfer and managing the impacts of energy policy decisions on opportunities for economic growth, the UCETF is well situated to contribute to the goals and objectives of the Energy Policy Act and the Administration's energy program.

Program Status

The cornerstone of the UCETF program is the annual applied energy research program, featuring projects conducted by local government staffs. Proposals are competitively selected for funding, and leveraging of public and private resources and the formation of partnerships that can assure successful implementation of program results is emphasized. Over the years, the UCETF program has supported more than 250 applied energy projects in nearly 40 urban jurisdictions.

The UCETF is currently supporting projects in three priority areas, utilizing FY 1992 funds: energy efficiency in the transportation sector, with a particular focus on alternative vehicles fuels; energy efficiency in the building sector; and integrated resource developmental environmental priorities in urban areas.

Technology transfer remains a key focus of the UCETF. The UCETF seeks to promote widespread dissemination of the results of its research projects through distribution of project reports and a videotape presenting an overview of the UCETF program and resources available from the UCETF. Specific videotapes providing technical information on alternative vehicle fuels and variable frequency air drives are also available. The UCETF reviews and refines the results of previously supported research to identify and develop products with the potential for greater (and possibly commercial) transferability. We are also investigating new mechanisms for technology transfer and greater opportunities to coordinate our technology transfer efforts with those of the Department of Energy, including end use sector programs.

A request for proposals for participation by jurisdictions in the FY 1993 UCETF program has been distributed to over 100 urban jurisdictions; selection of projects to participate in the FY 1993 program will be made in late May. This year we are emphasizing the need to foster economic development and jobs creation and retention through energy programs, as well as opportunities for technology commercialization and transfer. Priority areas for the FY 1993 program will include transportation (consistent with the increased emphasis on the conversion to alternative fuel vehicles contained in the Energy Policy Act, as well as Federal efforts to speed the pace of AVF acquisitions, and the opportunities or requirements arising under the Clean Air Act and the Intermodal Surface Transportation Efficiency Act); utility, industrial/commercial and government energy efficiency (including demand side management programs and new IRP requirements under the Energy Policy Act, and the role that local governments may play in encouraging efficiency in the utility and industrial sectors); and energy efficient residential buildings and communities (focusing on the economic development opportunities available in the energy efficiency and renewable energy industry in urban areas.)

Increased Focus on Technology Transfer

Consistent with the growing Federal emphasis on maximizing the economic and energy efficiency benefits of expanded technology transfer activities, the UCETF is also in the process of defining an expanded technology transfer program. Aspects of this technology transfer initiative would focus on sharing of technologies between Urban

Consortium member jurisdictions (generally larger jurisdiction) and smaller urban governments. Opportunities for direct peer-to-peer technology transfer among local government staffs could include regional workshops and local government technical assistance teams.

Additionally, the UCETF is very interested in enhancing the role of urban governments in directing technology research and development. The UCETF believes that urban governments, because of their needs for new technology, their availability as testbeds for new technology demonstrations and applications, and their strong linkages to those within the business community who may be willing and able to enter into technology commercialization partnerships, can and must play a key role in the effort to bring technologies out of the labs and into the marketplace. The UCETF will be seeking to define a role for urban governments in the developing laboratory technology transfer initiatives in the days ahead.

Conclusion

I urge the Senate Appropriations Committee to include the \$2.97 million dollar funding for this program in their bill. National energy policy will be strengthened by greater direct involvement of local governments in identifying energy technologies that need to be developed or are ready for commercial application, in testing and applying new technologies or management practices to meet the needs of urban business and residents, and in developing effective means to stimulate economic development and jobs creation through energy programs. The UCETF looks forward to continued and expanded partnerships with the Department of Energy in these critical areas.

Member Jurisdictions of the Urban Consortium Energy Task Force

Albuquerque, MN	Memphis, TN	San Francisco, CA
Austin, TX	Montgomery City, MD	San Jose, CA
Chicago, IL	MD	Seattle, WA
Dade County, FL	New Orleans, LA	Washington, D.C.
Denver, CO	Phoenix, AZ	New York, NY
Houston, TX	Portland, OR	Hennepin City, MN
Kansas City, MO	San Diego, CA	

STATEMENT OF THE UNITED TRIBES TECHNICAL COLLEGE

REQUEST

Mr. Chairman, United Tribes Technical College is requesting that \$700,000 be added to our Direct Cost budget base of \$1,788 Million in Fiscal Year 1994. The total direct cost request for Fiscal Year 1994 is, therefore, \$2,488 Million. United Tribes Technical College is a specified item in the Bureau of Indian Affairs budget under the Employment Development Adult Vocational Training Program category. United Tribes operates under the auspices of P.L. 93-638, of the Indian Self-Determination and Education Assistance Act.

NEED

Since 1983, UTTC has experienced several reductions in its base direct operating budget. Also, since 1983, the cost of purchasing goods and services has risen sharply due to inflation and normal cost increases. As an example, the College has experienced large increases in the cost of utilities since 1982. The cost for electricity has risen about 20% per unit while the per unit cost for gas has increased approximately 113%. Over the years, the College has for the most part been able to offset rate increases by implementing strict conservation measures such as improved weatherization and reductions in building temperatures. However, it must be noted that consumption cannot be further reduced because of the location of the College and the harsh winters of the northern plains. Many of our facilities are 85 years old. Current estimates of new facility needs

total over \$12 Million. These figures are derived from the Department of Education study compiled in 1993 as a report to Congress.

In the area of staff costs, instructional costs have risen some 64% from 1979 to 1992. While these increases have been minimal on a yearly basis, the net result is that the College must spend more dollars to purchase competent instructional services. Any further decreases in the budget will seriously jeopardize the College's survival. Since United Tribes is not eligible for any state appropriated funds, it cannot look to this area for help.

Lack of resources has also meant a limitation on the repair and maintenance of the physical facility. The College occupies the old Fort Lincoln Army Post. As such, other than the more recently constructed skills center and part of the community center, the core facilities are 80 to 90 years old. Continuing a course of non-repair will ultimately prove more costly as the repairs will be greater. This is especially true of the water and sewage systems on campus. Fire and safety reports document these needs. United Tribes is not included in the BIA Facilities Budget through the Office of Construction and Management.

At the same time, the indirect cost budget which provides much of the infrastructure funding at the College, e.g. administration and support services, is now only approximately 81% of what it was in 1989. When overall resources are considered in calculating increases and decreases, the total budget for the College has actually decreased over the five year period 1989 to 1993 by some 2.3%. At the same time, costs for nearly everything have risen. The result is that the College is not able to provide needed services, purchase essential training equipment and supplies, and make necessary repairs on its facilities.

The College believes that its greatest resource is its people — faculty, staff, and administration. During these times of severe budget shortfalls, United Tribes has placed its priority on assuring that the best qualified individuals possible serve its students. The result of this priority is that 87% of its direct cost budget goes to salaries and fringe benefits. Even though this high proportion goes to people, when compared with comparable state institutions in the area, the faculty and staff are grossly underpaid. For this year, we are unable to provide any kind of increase for staff and faculty.

Devoting 87% to this critical area leaves only 13% of the direct cost budget for such other critical needs as equipment, supplies, and other services.

Funding at the level requested will allow the institution to survive but will not allow the institution to address the needs of an increased student population projected at 375 adults and 200 children for FY 1994. This is a realistic number because United Tribes consistently has a waiting list of some 100 adult applicants. This list develops without recruitment and exists because of housing shortages.

These are some of the things that the \$700,000 increase will allow the College to do. Many of these actions are the direct result of accreditation agency visits and observations.

1. Approximately \$70,000 is required for costs of staff and faculty.
2. Approximately \$250,000 is needed to improve facilities in high technology computing, life sciences laboratories, and building trades. United Tribes has had to delay the introduction of these programs which would enhance student success throughout the 1980s and early 1990s because of lack of resources and prior cuts.
3. Approximately \$200,000 is needed for improved student offerings and student services. This funding would allow a needed upgrading of faculty so that existing programs can be improved with the effect of making graduates more competitive in the market place. Upgrading the certificate Auto Mechanics program to a two-year degree in Automotive Technology, reformation of carpentry, electricity, and plumbing programs to a full and complete building trades program, and the re-development of food services and business clerical into culinary arts and business administration programs are examples of this need. New program needs include Imaging, Technical and Fine Arts, Computer Tool and Architectural Design, and Diesel Technology. Improving methods of identifying student needs at admission through diagnostic procedures, particularly as they relate to literacy and math-science background will assure that all students are given the ability to benefit from their training. In addition this same funding will allow improvements in student follow up, career development, and job market research. Even \$200,000 is inadequate to meet all these needs.

4. \$180,000 will be used for emergency maintenance on both single and family student housing, instructional facilities, and support facilities. As noted above, this amount will partially address the total facility need. This amount will not cover major renovations or new facilities.

PURPOSE

United Tribes Technical College is a unique intertribal vocational/technical school. Located on a 105 acre campus three miles south of Bismarck, North Dakota, the institution is owned and operated by the five reservations located in whole or in part in North Dakota. These reservations include: the Three Affiliated Tribes of Fort Berthold, Devils Lake Sioux, Sisseton Wahpeton Sioux, Standing Rock Sioux, and the Turtle Mountain Chippewa. Control of the corporation is vested in a ten member Board of Directors comprised of the Tribal Chairman and one other representative.

Originally established in 1969, UTTC has been in continuous operation for nearly twenty-three years. As the first tribally controlled residential vocational school in the nation, UTTC is committed to the economic, social and cultural advancement of Indian people. It is UTTC's philosophy to provide an environment where students and staff can preserve and transmit their knowledge, values and wisdom to ensure the survival of Indian people, now and in the future, while increasing individual opportunities to improve the quality of life. The College seeks to initiate and sustain educational and economic programs aimed at the self-sufficiency and realization of self-determination of American Indians.

ACCREDITATION

United Tribes has been accredited since 1983 by the North Central Association (NCA) of Colleges and Schools at the certificate and two year degree granting levels. The College's 12 vocational programs are granted full continuing accreditation through 1995. Also offered are four associate of applied science degree programs. Entrepreneurship as well as work in high technology is being integrated into appropriate programs.

ACTIVITIES AND PROGRAMS

United Tribes Technical College provides those institutional activities which are fundamental to the delivery of quality vocational education. Its focus on the positive development of the total Indian family makes it unique to all other institutions.

- o a core of 12 vocational programs which have been changed and updated throughout some twenty years;
- o supplies and equipment for the vocations;
- o adult education for students needing basic skill development or who wish to enter vocations requiring GEDs or high school diplomas;
- o a modest offering of cultural and recreational activities that necessarily supplement the programs of any credible postsecondary institution;
- o counseling and placement services for United Tribes students (80% placement rate for 1990-91 and for 1992.)
- o support services such as the cafeteria, housing, maintenance, student transportation, administration and fixed costs on a 105 acre campus;
- o early childhood services for some 110 children, ages 8 weeks to five years. This includes a nursery and a preschool;
- o the Theodore Jamerson Elementary School (K-8) serving nearly 100 children in FY 1992.

STATEMENT OF REX RATHBUN, PRESIDENT, MILL CREEK WATERSHED CONSERVANCY

We wish to testify on behalf of an adequate appropriation for the State Grants portion of the Land and Water Conservation Fund. Our recommendation would be a minimum of \$150,000,000. The State Grants allocations are the most equitable means of dividing the income from non-renewable resources to benefit all the citizens of the 50 states in perpetuity.

Our land trust, The Mill Creek Watershed Conservancy, and its supporters have been working for up to 12 years to set aside a remnant old growth forest, which now belongs to Eel River Sawmills, a willing seller. A \$2,000,000 allocation through the State Grants program, matched with state and private funds, should prove adequate to purchase at market value, within FY 1994, nearly 500 acres of ecologically critical land. 220 acres of this is ancient forest, contiguous with the 60,000 acre King Range National Conservation Area (KRNC) administered by the Bureau of Land Management.

The protection of the Mill Creek Forest is a priority because it provides:

(1) Access to the KRNC. A trail through the Mill Creek Forest will not only provide new public recreational opportunities, but will greatly enhance public access to hundreds of miles of hiking trails in the KRNC.

(2) Critical Coho Salmon habitat. This last remnant of old growth forest of any size in the lower Mattole River protects and stabilizes good coho salmon habitat. The American Fisheries Society has recognized this as regionally important to the restoration of this greatly diminished species. It is likely that there will be debate this summer in regard to listing this species under the Endangered Species Act. The scientific community has shown unanimous support for identifying and protecting regionally important habitat refuges such as the Mill Creek Forest as a strategy for the revitalization of these stocks at risk of extinction.

(3) An ecological extension of the KRNC. The preservation of the Mill Creek Forest will add an important area of wild habitat at the northern extreme of the only large Conservation Area on the North Coast of California. The addition of the Mill Creek Forest will bring the KRNC closer to full ecological representation by adding coho salmon to the species present within the reserved area. It will also enhance the ability of the KRNC to contribute to the recovery of threatened and endangered species, such as the northern spotted owl, which nests in the forest.

During a visit to Washington in March, we placed a detailed brochure with maps on file with your Committee staff.

The preservation of the Mill Creek Forest will be politically popular because it can be accomplished through a land swap, which will provide the current owner with the sawlogs he needs to keep his workers employed in a stressed timber economy.

The increasing rarity of ancient forest habitat has become well known, and has contributed to a rapid escalation of timberland values, which seems likely to continue. It is important to complete this purchase now, since the cost-effectiveness ratio is likely to become less favorable to the public in the future. If the land is not protected for its public value, the current landowner will have no choice but to attempt to harvest his timber in terrain so steep and difficult that any logging operation is likely to inflict intolerable damage on this irreplaceable habitat.

The last 12 years have seen a neglect of the needs which the State Grants portion of the Land and Water Conservation Fund was designed to meet. It is time to return to the original intent of the legislation.

STATEMENT OF THE MENOMINEE INDIAN TRIBE OF WISCONSIN

On behalf of the Menominee Indian Tribe of Wisconsin, thank you for the opportunity today to present the most pressing needs for our tribe, for which we request funding in FY 1994. As always, the Menominee Tribe is grateful for the support this Subcommittee has given to the Tribe over the years.

For FY 1994, we are requesting the following increases in the budget request for programs in the Bureau of Indian Affairs:

- \$495,285 to accomplish the goals of the Menominee Education Division and College of the Menominee Nation;
- an additional \$160,000 for our Tribal Conservation Department; and
- an increase for Johnson O'Malley Education Program to at least a level of \$35 million.

College of the Menominee Nation.. The Menominee Tribal Legislature made education their number one priority and intends to reverse the poor educational achievement which now exists on the reservation. Menominee students, teachers, parents and the reservation community will be called and led to excellence in education and will become an educational model for other tribes throughout this country. We must reverse our present educational situation or our tribe is fated to face an unending twilight of poverty and deprivation.

Examples of statistics which spurred the Legislature are:

- the trend of dropping scores in reading and math of Menominee first grade students.
- the fact that our young children enter school disadvantaged in Language.
- the fact that more than 50% of our ninth grade students have GPAs of less than 2.0--this does not include those who have a zero GPA.
- our public high school is a diploma mill--students graduate with honors yet cannot pass the test to enter the Army--being a veteran on the reservation is a source of pride to which many Menominee aspire. Previously, entering the service was a way out of the reservation system to see the world, travel and learn living skills--present students no longer have this option.

• In 1988, 55 Menominee students dropped out of high school. In 1989, the tribal legislature passed an ordinance requiring students to remain in school until they are 18. At the present time the public school district has adopted new educational terminology--step out--which softens the statistic and implies that the student has the option of returning to school in the future--probably in the very distant future.

• The high absenteeism rate of both teachers and students in the High School is indicative of the poor morale and learning environment at the school.

To reverse the situation, the Menominee Tribal Legislature took two bold steps:

1. They amended their governance plan and created a Menominee Education Division. This department--composed of all tribal education programs--will literally turn Menominee Reservation education upside down and inside out--cut the fat, flab, and deadbeats and demand educational excellence throughout the 235,000 acres which comprise the reservation. We have nothing to lose by doing this and absolutely everything to gain.
2. They have founded and chartered--this year, a new tribal institution--College of the Menominee Nation which presently enrolls nearly 50 students--consisting of Menominee, Oneida, Stockbridge, Chippewa, Winnebago, and non-Indians from surrounding reservation communities.

These two newly created tribal entities are charged with the attainment of 16 educational goals. To reach these goals, we have developed a Menominee Mastery Model which consists of developing certain skills and competencies at various levels with an assessment at each of these levels. Emphasis will be placed on basic skills and preparation for the world of work. In addition, the curriculum will be infused with values-based education. We have already begun a project to identify traditional Menominee values and have established a Vision Pursuit team of Menominee leaders which will lead to the infusion of these values throughout the Menominee community--including our educational institutions.

The total overhaul of Menominee education is spearheaded by the College of the Menominee Nation. This institution, chartered by the Menominee tribe, opened its doors in January of this year. The legislature adopted a management plan and established a Board of Directors on April 24. This college was founded with the assistance of the University of Wisconsin-Stevens Point and the University of Wisconsin center system which consists of two-year colleges. These institutions

will not provide us with any operating funds, but will walk with us and guide the College so that it is established on a cornerstone of educational excellence.

We began offering accredited and transferable courses through our relationship with the University of Wisconsin institutions. We began small, offering only four courses--Cultural Geography, Contemporary Social Problems, Remedial English & English 101 with a range of 21-31 students per class. This summer we are offering Menominee Language, Psychology 110, Introduction to Computers and remedial math. In the coming fall and spring semesters, we will be offering both Menominee history and Menominee language, philosophy, biology, English (both remedial & 101), College Algebra, an advanced computer course, Child Growth & Development, and Speech.

Our mission statement maintains that we are founded from the highest ideals of the Menominee Tribe and our people. Its emphasis will be on a learn by doing curriculum to meld the education process with the world of work so that our students will be able to achieve significant positions in the world's emerging economy. This overall goal will be pursued out of the history, traditions, values and aspirations of the Menominee Indian Tribe, thus preserving and strengthening them in the process.

This college, unlike other tribal colleges, dedicates itself to pursuing research and development goals which promise to better the educational and economic lives of the Menominee people, other tribal people, and the world at large.

The College of the Menominee Nation will be eligible for federal assistance, pending completion and positive determination of the required BIA feasibility study. We are in the process of requesting candidacy status with the North Central Association of Colleges and Schools, the accrediting agency for our region of the country.

It is to enable the Menominee Education Division and College of the Menominee Nation to attain the goals the Tribe has set, we are requesting funding in FY1994. Our budget is simple, a mere \$495,285 will continue the journey to educational excellence which the Menominee Tribe has already begun. We attach a proposed budget as Appendix A.

In February of this year, the Menominee people suffered considerable national embarrassment. It was announced on national television news and morning talk shows, and headlined in Wisconsin newspapers, that the Menominee rank the unlucky number of 13 from the bottom nationwide in poverty. It was announced that almost 65% of our children live in poverty.

We do not like making headlines in this manner. We have vowed that we will turn these statistics around. Then we will invite the media to report the newfound educational and economic success of the Menominee Indian Tribe. Then the Menominee, the State of Wisconsin, and the Federal Government will no longer have to hang their heads in shame. We will succeed in our educational endeavors because the Menominee people have so much to offer this nation and the world.

Tribal Conservation Department. In FY1993 Congress appropriated \$150,000 for the Menominee Conservation Department under Natural Resources-Tribal Management/Development. These funds have been included in the FY1994 funding base. The Menominee Tribe is appreciative of this increase. In addition, we request further FY1994 funding, above the budget request, for the Menominee Conservation Department of \$160,000, under Natural Resources-Tribal Management/Development, in order to hire a Wildlife Technician and a Fishery Technician to work under the Fish and Wildlife Manager in the Tribe's fish, wildlife, parks and recreation program.

Currently, our Conservation Department has one Fish and Wildlife Biologist/Manager. His duties included management of four one-acre fish rearing ponds, the Circle of Flight wetlands project, noxious weed control, and environmental assessments, and co-management of fish and wildlife activities with the Wisconsin Department of Natural Resources. We request additional funds in FY1994 to fund salaries and benefits and provide basic field equipment for two new conservation enforcement officers -- a Wildlife Technician and a Fishery Technician -- to work under the Fish and Wildlife Manager. The addition of these two new personnel would enable the Department to undertake other objectives of the Department, such as developing rules and regulations to implement our conservation code, developing resource management plans, conducting surveys and inventories of natural resources, investigating fish and wildlife populations and life histories, and inventorying and studying lakes.

Funds within the \$160,000 increase would also be used for other purposes. One would be to pay overtime pay to wardens who are classified as field personnel, because the Conservation Department has found that overtime pay is more cost effective than hiring and training new personnel. The second use would be to purchase the five vehicles currently used by the

Conservation Department. These currently include two four-wheel drive patrol vehicles to patrol all 235,000 acres of the reservation. The Tribe would also purchase one new vehicle which would be leased to the Conservation Department for the exclusive use of the two new Fish and Wildlife technicians.

Johnson O'Malley. The Menominee Tribe has operated a Johnson O'Malley program on the Reservation since 1975. This past year, funding available under JOM was at an alltime low. Without taking into consideration the State of Wisconsin's weighted count, the allocation per student was \$76.10; with the State's weighted amount, our amount was \$99 per student. By contrast, the Menominee Tribe's JOM per student amount in 1984 was \$176 per student. We need a minimum of \$150 per student to carry out the programs we are now conducting. The Tribe's Johnson O'Malley program currently serves 1,000 students directly. We have identified another 333 students who have needs which we cannot meet because of inadequate funds. The Menominee Tribe supports the testimony of the National Indian Education Association in its request that the JOM program be funded at least at a level of \$35 million in FY1994.

STATEMENT OF THE CAST METALS COALITION

On behalf of the Cast Metals Coalition and the entire metal casting industry, we are offering this written testimony in support of the full \$5 million funding for the Department of Energy Metalcasting Competitiveness Research Program (P.L. 101-425). Mr. Chairman, we would like to thank you and the members of the subcommittee for your past support of this program.

The Cast Metals Coalition (CMC) is a joint effort of the American Foundrymen's Society, the Steel Founders' Society of America and the North American Die Casting Association. These societies have represented the technical and professional interests of the metalcasting industry for 100 years. CMC has a single focus -- to represent the industry, large and small, in promoting the DOE Metalcasting Research Program.

Metalcasting is one of the oldest technologies and continues to be vital to our national economy. Today, the U.S. metalcasting industry has nearly 3,200 foundries manufacturing metal products with the casting process. This \$20 billion industry directly employs over 250,000 people and is indirectly responsible for the employment of millions of other people whose livelihood depends on the manufacturing sector.

In enacting this program three years ago, Congress recognized the critical role played by the metalcasting industry in every other manufacturing process in the nation; whether it be for energy, transportation, aerospace, agriculture, mining, or national defense. In fact, metal castings are used in 90% of all manufactured goods and in 100% of all manufacturing machinery.

The diverse range of metal cast products staggers the mind. As many as 100,000 distinct products ranging in size from very small artificial heart valves to mill frames weighing more than 200 tons are cast in metal. For instance, railroads roll on cast steel wheels supported by cast steel frames and bolsters. Autos are powered by an assembly of cast iron blocks, ductile iron crankshafts, cast aluminum pistons. Planes are propelled by jet engines containing cast alloy buckets, vanes, turbine wheels. Your homes contain more than a ton of cast pipe, bathtubs, sinks, fixtures, hardware, furnace, and air conditioning parts. Your food is planted and harvested by tractors and implements made from cast components. Textile machinery is primarily an assembly of castings. When you play, it's with cast golf clubs, catcher's masks, musical instrument keys, piano backs, marine hardware, air-cooled motors, and the list goes on. Practically nothing happens without a casting. Quite simply, all other processes are dependent upon metal that has been shaped into some usable form -- that is what metalcasting is all about.

The interdependence of all industry on metalcasting is clearly illustrated by the energy sector. Metalcasting uses energy to convert scrap metals into usable products. Energy

is an essential supplier to metalcasting supplying over 250 billion BTUs per year. It is common for a foundry to be the largest consumer of energy in a community. Improved energy efficiency would make our industry more competitive.

Energy production and distribution requires metal casting components. Steam turbine casings for electrical generation, tubes for petroleum refining, oil well blowout preventors pumps and valves for natural gas pipelines, and coal mining equipment use castings to perform critical functions. Energy production and distribution would be enhanced by improved casting technology. Energy and metalcasting are interdependent.

A healthy foundry industry is also essential for the national defense of our country. As you may expect, castings are vital to military equipment and weapons components. Approximately 10% of the metalcasting annual output is used for national defense applications. Examples of Army products reliant on castings are tanks, trucks, and artillery. The Navy utilizes castings in submarines for critical hull and machinery applications, such as diving, propulsion and weapons handling systems. Navy surface ships also require castings in their hull, power, and armament systems. Aircraft in all services use castings in the fuselage as well as in engine accessories. Castings use is also found in missiles, bombs, and small arms components.

With this great dependence of our nation's manufacturing base resting on the shoulders of the casting industry, it is particularly amazing that the bulk of casting companies are small and medium size businesses. In fact, 80% of the foundries and metal casters in this country are small shops with fewer than 100 employees.

Congress took specific recognition of this important fact in enacting the Department of Energy program. Congress noted that because the industry consists of small shops, these operations cannot on an individual bases, support the research necessary to stay competitive.

In order to compete in today's international markets, we must have the best in technology and we cannot wait. If we are late, the country which develops and implements it will take markets from us, and deprive American workers of the opportunity to make products. The very purpose of the DOE metalcasting research program is to give our foundries a better opportunity to develop this technology here in the United States, where it will be used by American foundries, with the benefits passed on to their customers, and in turn to American consumers.

This DOE program is NOT a government handout. Rather, it has established an effective partnership between industry, universities and the federal government to help maintain the competitive edge for our U.S. metalcasting industry. We believe this program and industry's partnership is noteworthy in two ways. First -- the research is industry driven. The prerequisites for research proposals is that they be formulated in conjunction with industry and show industry support in terms of matching dollars. Thus far, industry has invested more than 50% of the funding for the research underway.

In addition, industry has worked with the researchers to ensure that the research conducted can be transferred to the foundry floor in a timely manner. Industry involvement in the research projects results in a valuable dialogue between researching and casting producers. This dialogue aids the researcher in directing his efforts at the commercially important research needs. The dialogue also allows the casting producer to try new things during the program and not wait until the end of the project to use the results. This allows rapid implementation and industrial feedback into the research programs funded.

Second -- industry has worked with Congress to establish and protect the open and competitive process in awarding research funding. We strongly believe that the

competitive process -- not earmarking -- allows those proposals which are most responsive to industry's needs to rise to the top and be selected for funding.

This program is in its third year and has a truly national focus. A number of distinguished universities and research institutions have collaborated with industry and with one another and are currently engaged in research funded by this important program. These include: the University of Alabama, Ohio State University, Southern Research Polytechnical Institute, Pennsylvania State, the University of Wisconsin, Worcester Polytechnical Institute, and the University of Northern Iowa.

The research being conducted has a strategic focus for practical application. The following are just a few of the projects supported by the program: clean metal technology; metal penetration; environmental waste stream identification; casting defect prediction; and several others.

We hope that by securing FY 94 funding in the amount of \$5 million these institutions and others will be able to continue this important work. We are pleased to inform you that last year Congress reaffirmed their confidence and support for the DOE program by extending the authorization through 1997. This occurred in last year's Energy Act. We are confident that this program will successfully enhance the diversity and quality of the metalcasting research so badly needed by this critical industry.

We are asking the subcommittee to provide \$5 million in funding for the Department of Energy Metalcasting Competitiveness Research Program in FY 94 and to preserve the open competition for such research funds as set forth in P.L. 101-425.

STATEMENT OF LUTHER F. MILLS, JR., TRIBAL COUNCILMAN, THE SUQUAMISH TRIBE

Summary of Suquamish Appropriations Priorities: Tribal Level

1. Restore BIA Fisheries Management and Hatcheries O&M funds to FY92 level, add to Other Recurring Programs, Natural Resources, Wildlife and Parks budget base, including:

- a. Restore Fisheries Management \$50K and add to BIA base.
 - b. Restore cuts in BIA Wildlife & Parks for Fisheries Management of .0524% for FY91, 1.26% for FY92, and .85% in FY93.
 - c. Provide \$75K increase for each of 20 Western Washington Tribes Fisheries Management and Hatcheries O&M programs for inflation increases since FY84, add to Other Recurring Programs, Natural Resources, Wildlife & Parks, Tribe/Agency budget base.
 - d. Increase of \$164K for Shellfish Management and Enforcement Program as part of the \$1.6M request of 20 Western Washington Tribes; add to BIA Other Recurring Programs, Natural Resources, Wildlife & Parks, Tribe/Agency budget base.
2. Provide \$80,500 funding for water assessment and management program, add to BIA Nonrecurring Programs, Resources Management, Water Management and Development budget base.
 3. Provide \$50,050 for the Public Safety Program for a Youth Advocacy Officer, add to BIA Tribal Priority Allocations, Public Safety and Justice, Law Enforcement budget base.
 4. Provide \$25,350 for 7.5% Law Enforcement COLA, add to BIA Tribal Priority Allocations, Public Safety and Justice, Law Enf. budget base.

Summary of Suquamish Requests & Recommendations: Regional Level

- * Increase of \$1,575M to add \$75K to budget base of 20 Western Washington State Tribes and NWIFC Fisheries Management and Hatcheries O & M programs to restore a decade of COLA/inflation budget erosion; add to BIA Other Recurring Programs, Resource Management, Wildlife and Parks budget base.
- * Increase of \$1.6M for 20 Western Washington State Tribes for Shellfish Management, Enhancement, and Enforcement, added to BIA Other Recurring Programs, Resources Mgmt., Wildlife and Parks budget base.
- * Restore \$1.375M for Timber-Fish-Wildlife Program to FY93 level; Increase to \$2.1M added to BIA Other Recurring Programs, Resources Management, Wildlife and Parks budget base.
- * Support FY94 IHS appropriations recommendations of the Portland Area Indian Health Board.

Summary of Suquamish Requests & Recommendations: National Level

- * Restore \$1.5M to FY93 approximate for Hatcheries Rehabilitation, add to BIA Construction, Resources Management Construction budget base.
- * Restore \$200K for Hatcheries Cyclical Maintenance, add to BIA Other Recurring Programs, Resources Mgmt., Wildlife and Parks budget base.
- * Restore the BIA Unresolved Hunting and Fishing Rights Budget to FY93 level and add to Non-Recurring Programs, Resources Management FY94 Budget Base; Direct BIA to transfer this program to Other Recurring Programs, Resources Management for FY95 Budget Justification.

- Restore all Tribally-managed BIA Contracts & Grants in Natural Resources to FY93 level.
- Direct BIA and IHS to accurately assess and support Tribal Cost of Living Adjustments and stop inflation erosion of Tribal Contract/Grant management capabilities with special analysis in FY94 and corrections added to FY95 Budget Justifications.
- Increase basic support for BIA Community and Economic Development program, Indian Business Development Grant Program, Indian Loan and Loan Guarantees, and Housing Improvement Program as continuation of Economic Stimulus Initiative in Indian Country.
- Support IHS FY94 Budget increases to: add \$15M for Alcoholism and Substance Abuse; \$30M for Contract Health Service Program; add \$20M for Population Growth; add \$10M for Deferred Services; \$5M for Catastrophic Health Emergency Fund; add \$125M for Indian Health Care Improvement Fund; add \$6M for Mental Health Services; and, address Outpatient clinic appropriation needs.

INTRODUCTION

Good afternoon, my name is Luther F. Mills, Jr., and I am a Tribal Councilman of the Suquamish Tribe. On behalf of all our Tribal members, I would like to thank the committee for the opportunity to present the requests and recommendations of our Tribe, regarding the FY94 budgets of the Bureau of Indian Affairs and the Indian Health Service.

Unfortunately, we begin again with our request to restore the fisheries management funding that the Bureau of Indian Affairs has failed to add to our budget base as directed by Congress in previous years. I want to emphasize that this is a major problem for our Tribe and that we have expended too much time and effort in trying to resolve these funding shortfalls each year. We respectfully request that all BIA Wildlife & Parks reductions in Fisheries Management & Hatchery Operations & Maintenance be restored and that the BIA be clearly instructed to add these funds to the budget base.

Background on Tribe and Current Conditions

The Suquamish Tribe, descendants of the great Chief Sealth, namesake for the city of Seattle, is located on the Port Madison Indian Reservation, within Kitsap County, eight miles West of Seattle by water. The original reservation of approximately 7,500 acres was set aside as a permanent homeland for the Suquamish by Treaty and Executive Order. Sadly, the natural beauty of our reservation, and the once abundant resources of the Tribe, have been diminished and much has been lost to non-Indian demands and encroachment. Presently, only 2,900 acres of the original homeland remain in trust status. This alienation of land has created a checkerboard reservation which has negatively affected the Tribes jurisdiction and its ability to exercise its sovereignty. The Tribe, assisted by a FY93 Congressional provision for Land Acquisition of \$1.5M, has initiated a program to help restore land within the original reservation boundaries to trust status. These funds are being used to acquire valuable wetlands and to preserve critical habitat. We are most appreciative of this Congressional support and anticipate that in FY95 we will be requesting additional funding to continue this very important program.

The Tribal government operates programs to benefit its members and the communities on the reservation, including: fisheries management and enhancement; social, health, and education; forestry, environmental & resource protection; law enforcement & judicial services; and community development & planning. The Tribe does not benefit from Sales and Property taxes that are collected on the reservation by State and adjacent County governments. The Port Madison Reservation is the gateway through which suburban Seattle passes enroute to the Olympic Peninsula. Neighboring Kitsap County was the fastest growing County in Washington State in 1992. There are three major military installations near the reservation: Puget Sound Naval Shipyard, Trident Submarine Base, and Keyport Naval Undersea Warfare Engineering Station. These facilities located within and near our reservation have despoiled our environment. Tribal resources and quality of life are seriously threatened. Because the Suquamish people have traditionally relied on the seafood of Puget Sound for subsistence and commerce, these threats to our resources and way of life are not just economic in nature, but threaten our very existence as a culture and people.

Restoration of Fisheries Management and Hatcheries O&M

The Fisheries Management program addresses all aspects of our Treaty protected fisheries including biological analysis and catch monitoring, harvest management, policy formulation, and domestic and international allocation negotiations. The Tribe hadn't received an increase in appropriations since 1984 until Congress provided a modest \$50K increase in FY91, instructing the BIA to add it to our base budget. The BIA eliminated these funds in FY92 and FY93 and Congress restored them, again requesting they be added to base. We respectfully request that Congress restore this \$50K with explicit instruction to the BIA to add these monies to its permanent base.

In addition, Congress is urged to restore funding sequestered in FY91 (0.0524%), FY92 (1.26%), and FY93 (0.85%). Due to inflation and pay cost increases, the Fisheries programs have not kept pace with increasing costs as we continue to lose monies from both the inflation side and sequestration side. Over the last decade, our management capabilities have been eroded and diminished, which has cumulatively compromised our effectiveness. We are asking that \$75K for Suquamish Fisheries Management be added to the BIA permanent base for the Other Recurring Programs, Natural Resources, Wildlife & Parks, Tribe/Agency account.

And finally, we seek for the third consecutive year, an increase of \$164K for our Shellfish Management & Enforcement Program, as part of the \$1.6M collective request of 20 Western Washington Tribes. Our request will provide a full-time shellfish biologist, full-time technician, a half-time technician, and two enforcement officers. Support costs are included to tabulate and report shellfish harvest data, monitor water quality and shellfish bed environments, enforce Tribal regulations, initiate resource regeneration activities, and coordinate with other Tribes and State agencies.

Funding Needed to Monitor and Protect Tribal Water Quality and Quantity: \$80,500

During the past few years, Kitsap County has experienced the highest growth rate of all counties in the State. The Suquamish Reservation, situated in North Kitsap County, has been under intensive development pressure from the construction industry. Our groundwater is being rapidly depleted and Puget Sound pollution continues to escalate, endangering marine life. Federal statutes allow Tribes to assume primary responsibilities for water quality standards, public drinking water standards, national pollution discharge elimination system permitting, and other protective measures. While we have been able to secure temporary support from various sources for environmental monitoring, unfortunately, none of these resources represent permanent base funding. The construction continues unabated, usurping and spoiling our water supplies. We request an increase of \$80,500 added to the BIA Water Management and Development base to allow us continuity in our efforts to protect our water.

BIA Funding for The Youth Advocacy Program Needed for Positive Intervention and Prevention as No Other Resources Available: \$50,050

Like many communities, Suquamish suffers from a severe substance abuse problem that has put all youth at great risk. While we have the capacity to arrest, detain, investigate, and prosecute the youth, we lack resources to provide them positive alternatives. The juvenile justice system is ineffective and dysfunctional and National Institute on Drug Abuse resources are unavailable to Tribes. The Tribe wishes to employ a Youth Advocacy Officer who would be trained in all aspects of youth activities such as: gangs and gang violence, adolescent drug & alcohol abuse, peer pressure, education counseling, parent and community involvement, sports and recreational programs, and cultural relationships. The primary emphasis will be on positive reinforcement of individuals and preventative community program development. The total cost for this essential initiative is \$50,050 added to Tribal Priority Allocations, Public Safety and Justice, Law Enforcement budget base.

Tribal Law Enforcement Employees deserve COLA + \$25,350.

Tribal programs are funded at the same base level each year and recently have been subject to sequestration of funds to comply with the Congressional Budget Act. Combined with inflation, actual funds available for direct costs are reduced each year, and cumulatively erode budgets substantially. The Tribe must now eliminate one enforcement officer position to fund our direct costs. With these diminishing budgets, there is no opportunity for justifiable COLA's creating morale problems among our officers and instability in our police force as officers seek other employment with better benefits. We request a direct COLA increase for our law enforcement personnel. The cost for this effort is \$25,350, annually adjusted, and added to budget base.

Tribal Needs Should Have Highest Priority in Appropriations

The budget process for BIA and IHS should be based on Tribal needs and involve direct consultation with Tribes. Each year the BIA eliminates Congressional add-ons, and often Tribal programs, from the budget with no consideration of the consequences to the individual Tribes. Each year we must expend considerable energy and resources to ensure that Congress is made aware of these budget manipulations and that funding is restored. Even though Congress is responsive and generally restores these funds, the BIA creates a nightmare of paperwork to access these funds. The current Clinton Administration FY93 economic stimulus package with \$102M in the BIA is a prime example of our frustrations. Even as Tribes represent some of the highest poverty communities in the nation, the BIA strips away almost fifty percent of this "stimulus" to cover its own BIA Education budget forecasting errors! I cannot emphasize enough the need to direct the BIA to formally hold timely consultation with Tribes prior to submitting its budget to Congress and to include Congressional add-ons to Tribal budget bases in future budget submissions.

I want to thank the Committee for your attention to these requests. The Suquamish Tribe appreciates the opportunity to present our needs and concerns at this hearing for your consideration. Thank You.

**STATEMENT OF HENRY CAGEY, PRESIDENT, AMERICAN INDIAN
TRADE AND DEVELOPMENT COUNCIL**

We request Congressional support in the FY94 Appropriations for a line-item of \$250,000 for the American Indian Trade and Development Council within the budget of the Bureau of Indian Affairs Non-Recurring Programs, Community & Reservation Economic Development Program or Technical Assistance to Indian Entities account. This would allow the AITDC to continue its pioneering efforts to identify domestic and international markets as well as promote American Indian products and resources. In FY93, we have received support from BIA Technical Assistance to coordinate training seminars for Tribes and Indian enterprises with private banking institutions; Commerce Department support to promote Indian Arts and Crafts; and, Agriculture Department Assistance to market Tribal resources internationally.

AITDC MEMBERSHIP

AITDC was organized in 1987 to assist Native American and Alaska Native Tribes and Tribal enterprises to effectively promote and market their products and services. The AITDC is the only national Native American organization assisting tribal companies in direct marketing activities for their products.

As a Tribally-chartered organization, the AITDC formally represents fourteen American Indian Tribes and Alaska Native Corporations. We provide technical assistance for these members as well as respond to requests from other Tribes or Indian entrepreneurs. Four inter-tribal organizations are also associate members of AITDC, including: Inter-Tribal Agricultural Council, the National Center for American Indian Enterprise Development, Intertribal Timber Council, and Lummi Fisherman's Marketing Association.

AITDC MISSION STATEMENT

As we have testified previously before this Subcommittee, the AITDC's overall mission is to enhance tribal capacity for economic self-sufficiency. AITDC has established two primary marketing objectives to promote economic self-sufficiency for Tribes and Tribal companies.

1. Marketing support to realize direct sales of tribal products and services
2. Marketing promotion and technical support to develop new markets

The AITDC measures its success with participating Tribes and Tribal companies based on the following criteria: Direct sales; sales and product distribution contacts; and, business promotion activities resulting in new market development.

AITDC ACCOMPLISHMENTS

Through recent support from the Commerce, Agriculture and State Departments, the AITDC has been enabled to continue developing new markets and promoting exports of Tribal products and services. The AITDC is currently involved in the following initiatives:

First, the AITDC has been designated as a National Cooperator under the U.S. Department of Commerce to promote the exports of American Indian produce value-added arts and crafts in Asia and Europe.

Second, the AITDC is the first American Indian intertribal organization to sign an agreement with the State Department's U.S. Trade and Development Program to promote product sales and international investment opportunities with the Asian countries of Hong Kong, Korea, Singapore, Micronesia and the Philippines. In August of 1992, we coordinated a reverse Trade mission for these countries with Tribal exhibits in Seattle and Phoenix. We are now arranging products to fill orders from these countries.

Third, the AITDC joined with the Intertribal Agricultural Council (IAC) to successfully compete against non-Indian commodity groups to be funded as a participant of the USDA Market Promotion Program (MPP). With this program, the AITDC/IAC will lead American Indian agricultural trade delegations to promote American Indian beef, buffalo, seafood and forest products in eight countries throughout Asia and Europe.

Fourth, AITDC led a Tribal trade mission to Japan on March 7-14, 1993 including participation in a Tokyo food show. Indian Arts and Crafts were also introduced to major Japanese hotel and store chains.

Since its inception in 1987, AITDC has been responsible for securing financing and opening new markets for more than one million dollars in American Indian product sales. The AITDC is now successfully challenging Tribes to work together to take responsibility for their own economic futures.

Market Research and Product Promotion are Difficult, but Essential Economic Development Activities

Economic development support for Indian Country has generally focused on site-specific enterprise development or resource enhancement and harvest. In private enterprise, product marketing and promotion are essential investments for business success. Unfortunately, Tribes and Tribal enterprises are not yet individually capable to sustain major marketing costs. In fact, some Tribal enterprises need basic technical assistance in product or commodity pricing, packaging, and market place realities. The AITDC role is to cost-effectively promote Tribal products and resources collectively.

BIA Support For AITDC for Business Financing Technical Assistance

AITDC was awarded a BIA Technical Assistance grant of \$250,000 to co-host with Bank of America SEA-FIRST a series of regional seminars to assist Tribal governments and Indian entrepreneurs in securing business loans. This loan packaging instruction is fundamental to successful business development. The AITDC role now spans the business assistance spectrum from financing and production to marketing and sales.

FY94 Appropriations Support Through BIA Should Allow Promotion and Marketing of All Tribal Products and Resources; Inter-Departmental Transfer of Financial Assistance Should Be Encouraged to Maximize Resources and Reduce Administration

The AITDC has aggressively pursued assistance from a variety of non-traditional Federal support programs. We have effectively breached exclusionary barriers and surmounted entangled regulatory obstacles in our mission. Unfortunately, a most time-consuming, counter-productive effort must be applied to cumbersome administration requirements from separate Departments, Agencies and programs. We request Congressional consideration of a \$250,000 FY94 earmark from BIA Technical Assistance funds to serve as the marketing foundation dedicated to marketing. We are also seeking

Inter-Departmental Agreements and Memorandums of Understanding to shift funds with the least restrictions possible through the BIA as a concentrated marketing initiative for all Tribal resource and product lines. Through Congressional encouragement for these inter-agency transfers and expanded responsibilities, we believe our marketing activities will achieve increasing success.

In conclusion, we urge this Subcommittee to consider a line item of \$250,000 from the Bureau of Indian Affairs to ensure the ongoing viability of this organization and its mission to encourage self-sufficiency; the economic viability of American Indian enterprise; and the profitable marketing of the tremendous Tribal natural resource base in this country. The AITDC looks forward to continuing to serve as an important facilitator in revitalizing this nation's economy and ensuring America remains a competitive force in a fiercely competitive global economy.

STATEMENT OF LORRAINE LOOMIS, SKAGIT SYSTEM COOPERATIVE

The Skagit River Tribes including the Swinomish Tribal Community, Upper Skagit Indian Tribe, and Sauk-Suiattle Indian Tribe, would like to make the following FY94 Appropriations requests for the USFS and BIA:

(1) \$4.5 million be appropriated to the United States Forest Service, Mount Baker-Snoqualmie Forest for habitat restoration for the Skagit River;

(2) \$2.5 million for land acquisition by the Mount Baker-Snoqualmie National Forest for acquisition of sensitive lands within the Skagit River Wild and Scenic Corridor; and,

(3) \$120,000 annually for the next five years from the Bureau of Indian Affairs to Protect Skagit River Salmon Stocks from Hydropower Impacts.

Our FY94 appropriation requests basically involve restoration requirements and habitat protection issues for the Skagit River, which has been severely degraded by logging, commercial/ residential development, and hydropower generation. Despite the fact that the Skagit River was made part of the Federal Wild and Scenic River system in 1978, fisheries resources have continued to decline as a result of habitat degradation.

The Skagit River is second in size only to the Columbia River in the Western United States and provides nearly one third of all wild salmon production to Puget Sound. Commercial fishing opportunities for once abundant chinook salmon have been nearly nonexistent. Skagit River coho have been designated a limiting stock again this year, as they have been in 5 of the last 7 years. Skagit River coho intermingle with other stocks of salmon in the ocean during their homeward migration. This means that ocean fisherman, both commercial and recreational, from North of Cape Falcon in Oregon, to the Washington State-Canadian border, will be prohibited from harvesting surplus hatchery stocks in order to insure that enough Skagit River coho return to the river to spawn. This creates severe restrictions for these fisheries. Not only are our Tribal communities dependant upon salmon for ceremonial, subsistence, and commercial purposes, but reductions in fishing opportunities create extreme hardships on non-Tribal fishing dependant communities as well. At this time when so much is being said about the need to create jobs, the result of past and current fish habitat deterioration is seriously threatening job stability for commercial fishing communities, and those recreation based enterprises dependant on tourist dollars.

The Mount Baker-Snoqualmie National Forest, which administers the Wild and Scenic provisions for the Skagit River, has determined that seven watersheds are in unacceptable condition as a result of past logging practices. We have been working cooperatively with the Forest Service, environmental groups, and local interests to develop a restoration plan that will act to reverse deterioration of these resources that are so important to our Indian people. Unemployed loggers can be actively involved in the rehabilitation and restoration of failing logging roads, tree planting efforts, and in-stream habitat improvement projects. Secondary employment benefits will extend much further, as restored fisheries resources will provide additional commercial and recreational fishing opportunities. In addition, as these timber-based communities move towards providing recreation and tourist activities, these restored fisheries resources will provide the basis for long term, stable economies for small towns that were previously subject to the cyclic nature of timber management.

We, therefore, make the following specific requests and appropriations justifications:

- (1) +\$4.6 million be earmarked specifically to the Mount Baker-Snoqualmie Forest for Skagit River restoration efforts. Historically, the forest has received insufficient funds to adequately insure that the attributes of the Wild and Scenic River be adequately protected and restored. It is therefore imperative that these funds be specifically earmarked for this purpose.
 - (a) These dollars should be designated capital investment dollars, so that design work can be completed this year, and implementation, if not complete, can carry forward to 1995.
 - (b) We request that this be a new line item, outside of constrained dollars, for these restoration activities. The Forest Service will not be successful if required to implement these projects within its existing budget. K-V funds are severely diminished and basically unavailable as a result of the reduction in timber sales. We, therefore, urge that this Congressional funding be placed within Ecosystem Management fund codes.
 - (c) Finally, we request report language that limits contracts for these projects to local communities, so that the benefits will accrue to those local interests that have been most severely affected by recent timber management constraints.

We believe that restoration of the Skagit River will require a multi-year commitment of resources to address the identified degradations throughout the Skagit River that have resulted from past land use activities. The Forest Service, at the request of Congressman Swift, has outlined a need for over \$46 million dollars over a ten year period to complete restoration efforts. We ask this Committee to consider this request as the initiation of a long term effort to restore those most unique resources of the Skagit River.

- (2) +\$2.5 million in USFS Land and Water Conservation Fund for sensitive, threatened land acquisition.

In addition to our request for funding to the Mount Baker Forest for restoration efforts, we would also note that despite the fact that Congress authorized over \$11 million for land acquisition along the Skagit Wild and Scenic Corridor in 1978, less than \$1.5 million has been appropriated to date. In addition to restoring watersheds as a result of past damages, it is critical that those areas most at risk from development and timber harvest be protected through purchase, before damage is allowed to occur. We have been working with the Forest Service and interests groups to identify those sites at greatest risk. We, therefore, additionally request that \$2.5 million be appropriated in 1994 from Land and Water Conservation funds for purchase of these most sensitive areas.

- (3) +120,000 in BIA Other Recurring Programs, Water Rights Negotiation and Litigation to monitor and protect salmon stocks from Hydropower impacts on the Skagit River.

We would like to request \$120,000 annually for the next five years from the Bureau of Indian Affairs Fisheries Rights Protection Funds. As the result of the landmark settlement, the Seattle City Light's Hydroelectric Project Relicensing Agreement, stream flows are to be maintained to protect fisheries. However, we made obligations to monitor and assist in implementation, based on the assumption that adequate funding from the Bureau would continue. Unfortunately, this has not been the case. In addition, Baker River sockeye salmon, as a result of a hydro-electric dam, has the potential to be listed under the Endangered Species Act. Finally, there are 43 large and small hydroelectric projects existing or proposed for the Skagit River. The Skagit Tribes have no other source of funds to implement the settlement agreement, or to review or resolve other current or proposed projects. We seek your assistance to help arrest the decline of salmon stocks within the Skagit River Basin.

Finally, we also support the efforts of the National Park Service in three specific areas; (1) The professionalization of regional staff in their need for stabilization of efforts in each National Park; (2) Ongoing archaeological surveys to continue development of the database; and, (3) Support for Tribal Grant Assistance for preservation of archaeological and cultural sites.

Through these cooperative and coordinated efforts, we believe that the outstandingly remarkable features of the Skagit River can be restored. Thank you for your consideration.

STATEMENT OF ROBERT JOE, SR., SWINOMISH TRIBAL COMMUNITY

Swinomish Tribal Community Appropriations Priorities: Tribal Level

1. Increase/earmark \$2,216,500 to design/construct inter-change roadway for access/safety from DOT/BIA Indian Reservation Road Program ISTEAF funds.
2. Increase of \$165,000 for Swinomish Tribal Law Enforcement Added to BIA Tribal Priority Allocations, Public Safety and Justice, Tribe/Agency Budget Base;
3. Increase of \$1.8 million for Architectural/Engineering and Construction of a Swinomish-Upper Skagit Tribal Medical-Dental Facility in conjunction with HUD/CDBG funds either earmarked or added to IHS Facilities Construction Account;
4. Increase of \$45,000 for Swinomish Tribal Court Operations Added to BIA Tribal Priority Allocations, Public Safety and Justice, Tribe/Agency Budget Base;
5. Increase of \$75,000 for Tribal Fisheries Management to Address inflation/administrative erosion of budgets as part of twenty western Washington Tribes \$1.575 request added to BIA Other Recurring Programs, Resources Management, Wildlife and Parks Budget Base.
6. Increase of \$183,660 for Skagit System Cooperative Shellfish Management/Enforcement Program as part of the twenty western Washington Tribes \$1.6 million request added to BIA Other Recurring Programs, Resources Management, Wildlife and Parks Budget Base; and,
7. Increase of \$120,000 for Skagit System Cooperative Research & Protection of Skagit River Salmon from Hydro-Power Projects Added to BIA Non-Recurring Programs, Trust Services, Water Rights Negotiation/Litigation Budget Base.
8. Earmark and direct IHS to fund and staff the Northwest Washington State Unit Contract Health Services program according to IHS workload standards.
9. Increase Self-Governance supplemental funds in BIA to \$8 million; Earmark \$260,000 for Swinomish shortfall/implementation; Increase of \$2.3 million for IHS Self-Governance Tribal Planning/Negotiation and Implementation Grants.

Swinomish Tribal Community Requests and Recommendations: Regional Level

- * Support the FY94 BIA and Fish and Wildlife Service Appropriations Requests and Recommendations of the Northwest Indian Fisheries Commission and IHS appropriations recommendations of the Portland Area Indian Health Board.

Design/Construction of Inter-Change Roadway for Access to Swinomish Economic Development District and Alleviate Current Safety Concerns Highest Tribal Priority

The Swinomish Tribal Community is aggressively pursuing self-sustaining economic enterprises with pending construction of a 800 slip marina and Gaming Casino in our Economic Development District adjacent to State Road 20, a busy four lane thoroughfare across the northern end of our reservation. The current access road only permits westbound traffic entry and has been identified by Washington State as a major traffic safety hazard. Increased traffic projections will exacerbate the dangers. Our Tribe requests a designation of \$2,216,500 from the DOT/BIA ISTEAF Indian Reservation Road Program to design and construct an inter-change access roadway to improve safety conditions and facilitate public use of our commercial enterprises. This intersection improvement investment, supported by the County and State as a priority, would provide immediate construction employment and measurably improve the Tribe and surrounding area economic growth in future years.

Swinomish Tribal Law Enforcement Funding Continues As Priority Need

Since Fiscal Year 1991, I have presented testimony requesting increased financial assistance for the Swinomish Tribal Community Law Enforcement program. In May of 1989, the Interior Department accepted PL 280 law enforcement retrocession from Washington State for our Tribe and Congress provided \$150,000 to our BIA budget base for Tribal law enforcement. Since our initial 1989 case documentation of 809 incidents, the number of cases have escalated annually with a calendar year 1993 estimate of over 3000 cases. Our reservation location adjacent to Interstate Highway 5 North of Seattle, reservation road traffic averaging 8000 vehicles per day, a State highway across the North end of the reservation bearing 20,000 vehicles per day, the planned opening of a Tribal Class III gaming casino and an 800 slip marina, and rapidly expanding residential/commercial development in this recreational area combine to overwhelm our limited enforcement capabilities.

Our current law enforcement capabilities cannot provide 24 hour, seven days a week coverage and reliance on additional support from neighboring counties is not politically feasible at this time. The recent retirement of the BIA Puget Sound Agency only investigator with no expected replacement exacerbates our limited manpower situation as a local officer must now handle investigations; the closest BIA investigator assistance is 250 miles away at the BIA Portland Area Office. Our request for a \$165,000 increase to our BIA law enforcement budget base would provide for full-time additions of a patrolman, supervisor, investigator and records personnel; personnel training and operational expenses for vehicle patrol; and, administration. This financial assistance would ensure 24 hour a day coverage, thorough and timely investigations, improved communications with neighboring enforcement agencies, and enforcement capabilities to handle expected demand increases in the future.

Tribal Judicial Services Needs Stable Financial Assistance to Ensure Credible Justice

The Swinomish Tribal Community does not receive direct BIA assistance for our Tribal Court operations. We rely on a combination of BIA competitive "needy court" grants, a full time court clerk financed by Tribal general funds, and the judicial court services of the Northwest Inter-Tribal Court System to maintain our justice system. In 1992, our Tribal Court handled 1600 cases including criminal/civil, Indian Child Welfare and 610 traffic cases. Our Tribal request for direct BIA Tribal Court assistance of \$45,000 would employ a full time Court Clerk, a part-time clerk/helper, partial support for a Court Administrator/Supervisor, and basic Tribal Court operational expenses including supplies, training, equipment and maintenance. This basic Tribal government court service is essential to maintain a balanced criminal justice system for our Tribal community.

New Medical-Dental Facility Needed for Upper Skagit and Swinomish Tribes

The Swinomish Tribal Community, in conjunction with the Upper Skagit Tribe, again requests an appropriation of \$1.8 million for architectural/engineering design, site development, construction and equipment for a new Medical-Dental facility on the Swinomish Reservation. This support would hopefully be provided, either by appropriation increase or earmark, from the IHS facilities construction account. The Tribe is preparing a \$350,000 Community Development Block Grant Application to HUD to fund a portion of the facility construction.

The Tribe currently operates a small fee for service clinic on the reservation. No space is available for additional medical staff and the clinic is at operational capacity. Both the Swinomish and Upper Skagit Tribes utilize the IHS-supported Lummi medical clinic 45 miles away. The IHS Dental clinic serving both Tribes is located over and adjacent to the Twi-Wok archaeological dig site planned for excavation and research over the next decade. The Tribe has requested removal of the Dental Trailer from its current site in 1993. A Swinomish and Upper Skagit Medical-Dental facility on the Swinomish Reservation would provide easy access to care for both Tribes. Preliminary 1990 Census data also indicates an increased "other Indian" population in Skagit County.

In terms of a service population of approximately 2,267, we project patient visits between 3,815 to 6,975. With these projections, we have assumed a staffing requirement of 23.8 to 27.3 FTE's dictating a 6700 to 8400 square foot facility. The IHS Portland Area Office has provided the preliminary data for our planning and CDBG application.

Northwest Tribes Shellfish Management/Enforcement/Enhancement Support Needed To Ensure Current/Future Resource

The Skagit Tribes including the Swinomish Tribal Community, Upper Skagit and Sauk-Suiattle Tribes, have traditionally harvested shellfish for subsistence needs, cultural purposes and commercial trade. The Tribes and the State of Washington are currently in litigation regarding our Treaty-protected right to harvest shellfish in "usual and accustomed" areas. A particularly difficult issue to resolve has been tribal access to private tidelands sold by the State of Washington to immigrant residents in the last century. Congress provided support in FY92 through the Fish and Wildlife Service for a negotiated settlement between all parties. The negotiation is proceeding and we're all hopeful that an equitable settlement can be achieved.

The Skagit System Cooperative request of \$183,660 would enable us to employ shellfish biologists, enforcement officers, and management technicians to ensure modern shellfish management techniques are applied to the resource and provide coordination with State Agencies and other Tribal governments. Funds would be included for contractual biological analysis, necessary equipment and program expenses. The alternative to meeting this need is continued shellfish decertification and the final withering away of the resource itself.

Skagit System Cooperative Needs Support to Monitor/Protect Skagit River from Hydro-Power Effects on Salmon Resource

The Skagit System Cooperative is the fisheries management entity for the three Skagit River Indian Tribes. The Skagit River, designated a Wild and Scenic River in 1978, can no longer sustain the once abundant salmon runs due to continued habitat degradation from logging, commercial/residential development, and hydropower generation. Neither the Cooperative nor the member Tribes have the capability to effectively monitor hydropower licensing and operations on the river which negatively impact on salmon. We request \$120,000 to assist the Skagit System Cooperative monitor hydropower activities on the Skagit River System to protect the stream flow and habitat for salmon.

Tribal Fisheries Management Capabilities Have Declined Over the Past Decade Due to Inflation, Unrestored Administrative Sequestrations; Tribes Request Congressional Cost Adjustments

The Swinomish Tribal Community requests a \$75,000 increase in fisheries management support in conjunction with the twenty western Washington Tribes \$1.650 million collective request added to the BIA Other Recurring Programs, Natural Resources, Wildlife and Parks Budget Base to correct a decade of unaddressed inflation and recent annual budget sequestrations. Each year Congress recognizes Cost of Living Adjustments (COLA) and inflation in Federal budget appropriations, but Tribal Self-Determination contractors are basically denied these logical financial corrections. The cumulative result of these annual budget reductions due to inflation and sequestrations is a diminishment of Tribal fisheries management capabilities. Over the years, professional staff positions have been lost, necessary operational maintenance delayed and general operations restricted due to these budget losses. Our appropriations request, added to the BIA budget base, would restore our fisheries management program capabilities to current cost realities.

Direct IHS to Fund Northwest Washington Service Unit C11S According to IHS Standards

The Tribe also requests earmarking additional funds to staff the Northwest Washington Service Unit Contract Health Services program according to IHS workload standards. Currently, with a 3,500 document workload per FTE, the program should have 5.0 FTE's, instead of the current funded 3.0 FTE's. (This would allow the 2 Skagit Tribes to 638 contract C11S with a staffing of 2.0 FTE's in FY94.)

Continued Congressional Support for the Tribally-Driven Self-Governance Demonstration Project Needed for the Interior Department and IHS

The Swinomish Tribal Community recently negotiated an FY 93 Compact of Self-Governance and Annual Funding Agreement with the BIA. As the 26th and newest Tribe to enter this historic initiative, we request continued Congressional support to further advance the Project with a most reluctant BIA and potentially difficult IHS. Specifically, we request:

- Increase of BIA Self-Governance Supplemental funds to \$8 million to adequately address shortfall and implementation costs for expanding number of Tribes;
- Earmark of \$260,000 for Swinomish FY94 shortfall, start-up and implementation costs; and,
- Increase in IHS of \$2.3 million for Tribal Self-Governance planning, negotiation and implementation grants.

Tribal Programs Should Receive Priority Support from Congress

In conclusion, I urge Congress restore funding for Tribal programs proposed for reduction or elimination by the BIA and IHS in FY 1994. We are trying to our best capacity to achieve self-sufficiency in the future through economic development initiatives. Insufficient funds for Contract Support, Indian Child Welfare, law enforcement, Tribal Courts and Tribal administration create obvious difficulties in Indian Country. The proposed cuts to our programs and services is a destabilizing influence on our progress. Hopefully, Congress will provide clear policy direction to these Agencies and the OMB that Tribally-managed programs should be maintained in the future.

STATEMENT OF THE FIBREBOARD CORPORATION

About Fibreboard

Fibreboard Corporation is a publicly-owned company with corporate headquarters in Concord, California. Fibreboard's core businesses include: a destination resort near Lake Tahoe in northern California; the manufacture of industrial insulation products; and a fully integrated wood products group which manufactures lumber, hard wood plywood, moulding, millwork, and other wood products. Perhaps most dramatically affected by federal statutes and regulatory policies are Fibreboard's wood products facilities which are located in central California. These manufacturing plants rely upon a continuous flow of wood grown, selectively harvested, and replenished in the public and private forests of the Sierra Nevada Mountains.

Fibreboard also owns and manages some 72,000 acres of private forest land intermingled with the Stanislaus National Forest. Fibreboard's team of professional foresters are responsible for stewardship of the company's forest lands. They also work closely with local Forest Service officials. Fibreboard is the largest purchaser of Stanislaus timber, and the company relies upon this national forest for 50 to 60 percent of its raw material supply.

The USFS Stewardship End-Result Program

The Appropriations Committees have permitted the Forest Service to experiment with some innovative forest management contracts during the last several years. These experiments have been variously referred to as end-result contracts, stewardship contracts, or land management service contracts. (These experimental projects, collectively, are hereinafter referred to as the Stewardship End-Result Program.)

The USFS Stewardship End-Result Program is built around straight-forward concepts:

- USFS forest land managers determine what "end-result" conditions are desirable for a particular area of national forest land (a watershed, for example).
- Once the end-result conditions have been determined, the projects needed to achieve the desired conditions are identified.
- The agency then selects a contractor (through competitive bidding) to perform necessary project work. This may include such standard

forest management tasks as: thinning; timber salvage; constructing or reconstructing roads, trails, campgrounds, or other recreational facilities; and enhancing wildlife habitat.

The three steps described above are similar to the steps which the Forest Service follows for all forest management contracts. What makes the land stewardship contracts unique are the following:

- The agency does not use only appropriated funds for the required project work. Instead, an arrangement is made for the contractor to receive a specified volume of timber as payment for the other services performed under the contract.
- All of the required tasks are included in a single stewardship contract rather than a series of individual contracts.
- The focus is on the final, "end-use" condition of the forest, rather than providing a specific volume of timber for sale.

Inclusion of the Stanislaus National Forest

Fibreboard urges the Senate Appropriations Committee to enable the Stanislaus National Forest to participate in the Stewardship End-Result Program. That can be accomplished by inclusion of bill language in the FY 1994 Interior and Related Agencies Appropriations bill.

The Stanislaus National Forest is uniquely suited to the Stewardship End-Result Program. This part of California has experienced a long and devastating drought. The effects of the drought are manifest in tree mortality from insects and fire and reforestation difficulties. To make matters worse, 145,000 acres of land burned in the Stanislaus Complex Fire in 1987. As a result, the Stanislaus has an enormous backlog of projects necessary to restore the forest to a healthy and fire-resistant condition.

The work created for the Stanislaus staff by the drought and the catastrophic wildfires of 1987 comes on top of normal duties. In light of current budgets, Stanislaus forest managers are having a difficult time addressing all of these needs. Stewardship end-result contracts could definitely help these managers to do more with less.

Getting more done on the ground is an absolute necessity. Increased recreation use and forest-

edge urbanization in this part of California make restoration of the Stanislaus ever more important. The public expects it, and the tools and experience are present in local communities to get the job done.

The Stanislaus presently has 126,000 acres of forest land in need of reforestation or thinning. This represents almost 40 percent of the forest land base deemed "capable, available, and suitable" for timber production (313,000 acres). Clearly the challenges on the Stanislaus National Forest are formidable, but Fibreboard's forestry team is ready to help out.

Fibreboard resource managers have been meeting with USFS officials—at all levels of the agency—for six months to identify potential sites within the Stanislaus where a stewardship end-result contract would be appropriate. Attention is now focused on the so-called Schaeffer Compartment where the following stewardship tasks are contemplated:

- 100 acres of existing tree plantations would be thinned to remove standing dead trees and reduce competition among remaining live trees.
- 100 acres in pre-commercial plantations will also be thinned to improve the health and vigor of the remaining trees.
- To reduce undesirable soil and water impacts from roads and to reduce trespass, five miles of existing roads will be rebuilt.
- Reforestation work will be performed on 424 acres not successfully regenerated following harvest in 1985.
- 200 acres of deer habitat will be restored by crushing brushfields of decadent mountain mahogany to encourage sprouting, increase access for deer, and reduce fuel loads.
- Water source improvements and reforestation work will also be performed.

As a by-product of these treatments, approximately four million board feet of timber will be removed.

Conclusion and Request

A steward is one who is "entrusted with management of another person's property." At Fibreboard, we understand the concept of stewardship; we are stewards for the shareholders who own our company. And, we take our obligations as

stewards very seriously. Forest Service officials are also stewards; they have been entrusted with management of the forests that belong to all Americans.

When budgets decline, federal forest managers focus on their most cost-effective projects. Some timber sales, low-priority timber management activities (such as thinning, etc.), and other worthwhile, but marginal projects simply don't get done. As a consequence, forest conditions decline and we move further and further away from the "desired forest condition" envisioned in the NFMA forest plans.

Given current and anticipated budgetary conditions, Congress, federal land managers, and all of us who care about the national forests must face the reality that the present way of doing business won't do right by the forests. We must work cooperatively to find new pathways to healthy, vibrant, and stable forests. One way to do that is through the land stewardship effort which—with Congressional direction—is being tried on the Dixie, Kaibab, and a few other national forests.

American citizens—the owners of the national forests—want to know that these forest lands are being managed responsibly. They want to know that the forests are not overcut, that soil and water is conserved, that forest animals have suitable habitat, and that there is a steady flow of wood products which provide the raw materials for homes and families. In that context, we believe that the owners of the national forests would welcome the stewardship concept as a way to do more with less.

We do not suggest that stewardship end-result contracts should replace traditional timber sales and other forest management activities. The Forest Service must continue to sell mature, over-mature, dead, and dying trees and replace them with new, healthy, young trees. It will also remain necessary for major USFS resource projects to be individually identified and funded through the regular appropriations process.

However, we must find a way to accomplish more with smaller budgets. We must find methods to achieve the desired end-results for even the lowest-priority portions of our forests. One way to do that is through the use of stewardship end-result contracts.

What the experiments of the last few years are demonstrating is that it is, indeed, possible to combine a series of disparate tasks into a single

stewardship project. Moreover, the value of commercial timber removed can help pay for the other work that must be done in the project area, such as reforestation, recreation improvements, fish and wildlife habitat enhancement, etc.

We understand that there are some unresolved issues with respect to the Stewardship End-Result Program. In that regard, we respectfully urge you to ensure that the counties receive 25 percent

fund payments for the value of the timber removed under the Program.

In closing, we urge you to include language within the fiscal year 1994 Interior Appropriations bill to permit stewardship end-result contracts on the Stanislaus National Forest. Fibreboard and others in the local area have the expertise, experience, and commitment to carry-out a successful stewardship plan. We are anxious to move forward.

STATEMENT OF THE AMERICAN DIABETES ASSOCIATION

The American Diabetes Association is the nation's largest voluntary health agency serving the health care and medical research interests of Americans with diabetes and their families. The association is comprised of 54 state affiliate associations, 800 local chapters, and nearly 300,000 lay and professional members. The Association appreciates the opportunity to submit testimony to the Subcommittee.

Diabetes is one of the most prevalent chronic diseases among Americans, and it has no cure. More than 13 million Americans have diabetes, but as many as half will not know it until confronted with one of its serious complications: blindness, heart disease, kidney failure, stroke, and lower extremity amputations. This year more than 260,000 Americans will be diagnosed with diabetes, and 160,000 will die from this disease.

Diabetes has rapidly emerged as one of the leading causes of sickness and death in the Native American community which faces the highest incidence of diabetes in the world. Over 47,000 Native Americans have diabetes, ranging from 2 percent of the Alaska population to over 15 percent of the Tucson-area population. In fact, the highest rate of diabetes in the world is in the Pima tribe in Arizona. About half of the Pimas who are over 40 have diabetes.

Moreover, Native Americans are at higher risk for health problems and complications associated with the disease. For instance, diabetes is the leading cause of visits to the Indian Health Service after respiratory disease. Furthermore, Native Americans have twice the mortality rate from diabetes compared with the entire United States population, and twice the kidney failure rate of whites with diabetes.

Research has attributed this rise in diabetes to diet, environment, and genetics. Before 1940, when nearly all Native Americans lived on reservations where their cultural and dietary traditions were preserved, diabetes and obesity was uncommon. After 1940, diets and living habits changed as Native Americans migrated to cities, a shift away from native meals and a more sedentary lifestyle.

Researchers believe that the genetic makeup of Native Americans long ago adapted to storing fat during times of abundance to enable survival during food shortages. Such a gene trait is no longer necessary in today's environment. These factors combine to promote obesity and diabetes.

The Indian Health Service (IHS) has made significant progress in combating diabetes in Native American populations through its diabetes prevention, treatment and control programs. These programs are designed to prevent and treat diabetes through quality medical care and health education programs. Through primary care services and educational materials, the IHS programs address immediate health needs and the ongoing health self-maintenance that is critical for people with diabetes such as diet, exercise and self-care.

Opportunities exist now to reduce the burden of diabetes in Native American communities. With tools currently available to us, such as simple eye, foot and blood pressure screening, we can control diabetes and prevent its complications. The IHS diabetes programs have developed excellent culturally sensitive educational materials.

In support of these initiatives, the American Diabetes Association plans to develop programs tailored to specific tribes. Recent studies suggest that a program which is effective for one tribe may be culturally irrelevant for others. The key to the success of these programs is to ensure that the concepts and measures used are culturally appropriate and that the target tribe approves the program.

Last year Congress enacted the Indian Health Care Improvement Act, which sets national health status objectives with respect to Native Americans, including reducing the incidence of diabetes, its complications, and diabetes-related deaths.

The American Diabetes Association urges Congress to meet the health objective set out in the Indian Health Care Improvement Act of assuring "the highest possible health status for Indians" by providing a \$1 million increase to the Indian Health Service's diabetes program. The Association recommends that IHS use these new funds to provide grants to tribes for the purpose incorporating diabetes control and prevention strategies developed by IHS for use at the community level.

STATEMENT OF JAMES JAY BAKER, EXECUTIVE DIRECTOR,
NATIONAL RIFLE ASSOCIATION OF AMERICA

The National Rifle Association is an organization of over 3 million conservation-minded members. As such, we request this letter be accepted by the Senate Interior Appropriations Subcommittee as the NRA's official statement on behalf of fiscal year 1994 federal funding for the Interior Department and the U.S. Forest Service waterfowl and wetlands management programs.

The NRA's membership and participation in the North American Wetlands Conservation Council and the North American Waterfowl Management Plan Implementation Board is only a part of NRA's dedication to our nation's waterfowl and wetlands resources.

The NRA supports the Administration's request for \$14 million in appropriations for the North American Wetlands Conservation Act, but would prefer to see the Act funded at the full authorized level of \$15 million. Full funding would allow for the continued success of this already tremendously successful program.

The budget also requests reinstatement of funds necessary to do other work relating to the North American Plan. These two \$500,000 cuts, (one in the Migratory Bird Management Office, and the other spread across the regions), seriously impacts the ability of the Fish and Wildlife Service to census migratory bird populations on the wintering areas in the southern U.S. and in their ability to properly manage the joint venture areas. Reinstating these funds ensures credible scientific information and the management necessary for our waterfowl resources.

The Get Wild partnership of the United States Forest Service, specifically "Taking Wing" is another piece of the path to success for the North American Waterfowl Management Plan. The NRA is involved the challenge cost share programs of the United States Forest Service. We strongly support the addition of \$3 million above the Administration's recommended level to allow more of these matching dollar partnership projects to be funded.

Mr. Chairman, the NRA thanks you and the subcommittee's previous support for the North American Waterfowl Management Program and for this opportunity to comment on the proposed budget for these important waterfowl and wetlands programs. If I can provide you with any additional information or be of any further assistance, please do not hesitate to contact me.

STATEMENT OF WILLIAM R. PERRY, ON BEHALF OF THE
SHOSHONE-BANNOCK TRIBES FORT HALL INDIAN RESERVATION

The Shoshone-Bannock Tribes ("Tribes") are pleased to submit testimony to this Committee concerning our funding requests for the Bureau of Indian Affairs.

I. Treaty rights implementation and fisheries management (\$504,670).

Summary: The Tribes possess substantial off-reservation treaty fishing rights under the 1868 Treaty of Fort Bridger. Fishing has been an important part of our culture for 10,000 years. The funds we are seeking for fisheries management will help us preserve and restore our traditional way of life. Effective fisheries management is particularly crucial at this time because the fisheries have deteriorated so greatly.

The Tribes are a party to the *U.S. v. Oregon* litigation and are also full participants in the Columbia River Fish Management Plan which the Court has approved in that case. The Tribes participate in activities pursuant to that plan, have initiated several important projects designed to protect and restore the Columbia-Snake River fisheries, and closely

regulate fishing activities of tribal members. However, maintaining these activities has been a struggle, because the Shoshone-Bannock Tribes currently receive no funding for the Columbia River Fish Management activity in the BIA budget. For FY 1994, the Tribes are requesting \$504,670 for implementation of treaty rights and fisheries management.

The personnel required for treaty rights implementation and management include a fisheries coordinator and a fisheries policy representative, three fisheries biologists, a fisheries technician, and a conservation law enforcement officer. There are also travel and equipment costs.

Relationship of this funding request to funding for other tribes. While the Shoshone-Bannock Tribes receive no funding from the BIA for treaty rights management, other northwestern tribes, in particular those in the Columbia River Inter-Tribal Fish Commission (CRITFC), receive substantial funds for treaty fishing and management -- over \$3 million from the BIA alone.

We are not seeking to take funds from these tribes, and we recognize that their fishing activities are important. But, we ask Congress to recognize that our interests in the fisheries are just as important, and that we receive no benefit from the funds received by CRITFC, which has refused to allow us to join in their activities. Worse, they have taken positions in court that are adverse to us and would, if accepted, deny recognition of our treaty rights entirely.

We realize that conflict between our upriver interests and the interests of the other tribes may well be unavoidable. But the United States, as our trustee, must protect the interests of all tribes. We ask for your help in providing us the funds that we have requested.

2. *Water resources funding.*

The Tribes need and are requesting two types of funding for water resources in FY 1994: (a) for negotiation of off-reservation water rights claims in the Snake River Basin Adjudication in Idaho; and (b) for water resources management, planning, and development to implement the Fort Hall Water Rights Agreement, which deals with our on-reservation rights.

a. Negotiation of instream flow claims in the Snake River Basin Adjudication (SRBA) (\$259,000). We want the Committee to know how the federal government has been treating us in our off-reservation water case. This treatment proves that we cannot rely on the government to assist us in developing the case -- we need the assurance of earmarked funds.

The SRBA is being heard by the state court in Idaho. The United States is a party to the case, and is supposed to be representing our interests along with those of several other tribes. But instead of helping us, the government has been obstructing our rights and has also refused to give us the information we need to represent our own interests. The situation was so bad that on March 24 the United States District Court here in Washington entered a temporary restraining order against the government, requiring the government to file claims on our behalf and give us the technical data.

Obviously, the government is not eager to help us protect our rights in this case. This is a tremendous problem, because we are in desperate need of funds to develop more biological and hydrological evidence to support our claims. We then anticipate using this data to negotiate with the State and the other parties in the case. The amount we need is \$259,000. A full explanation and budget for this amount has been provided to the Committee under separate cover.

We know that the Committee is not eager to earmark funds for specific water cases. But our need is especially pressing, because of the government's track record in refusing to

help us. If Congress does not earmark the funds, the government will not help us at all. We would be happy to provide any additional information requested by the Committee.

b. **Water resources planning, management, and development funds for implementing the Fort Hall Water Rights Agreement (\$488,000).** The Fort Hall Water Rights Agreement, completed in 1990, settles all water rights claims for Shoshone-Bannock in the Upper Snake River. Management of these rights involves both surface and groundwater and a wide variety of uses. The Tribes need funds to develop models of the river and reservoir networks, to collect data about water usage, to write a tribal water code, and to establish a tribal water resource department.

Implementation funds will eventually be provided to the Tribes under the Agreement. However, although the Agreement is finalized, it will be at least a year before the Court enters final judgment, which will release the implementation funds. In the meantime, we need \$488,000 to begin the work.

3. ***Environmental program (\$106,535) and school construction (\$560,360).***

The Tribes are requesting \$106,535 to fully fund the environmental program that we recently took over from the BIA under a 638 contract. The program's goal include restoration of resources degraded through mismanagement, protection of resources from proposed and existing land uses, and compliance with environmental laws and regulations.

Congress has appropriated \$8.1 million for construction of a new facility for the Shoshone-Bannock Junior/Senior High School. Construction of the School is currently planned for FY 1994, and plans are being reviewed and finalized at this time. There are a number of needs that will not be met due to the rising construction costs. These needs are as follows:

Maintenance Shop/Bus Garage	\$216,000.00
Expanded Gymnasium and Additional Parking	\$250,000.00
Enlarged Media Center	\$16,800.00
Enlarged Kitchen	\$38,500.00
Enlarged Dining Room	<u>\$39,060.00</u>
Total	\$560,360.00

We ask Congress to appropriate these additional funds so that the school construction can be fully funded.

STATEMENT OF RANDY HARDER, EXECUTIVE DIRECTOR, POINT NO POINT TREATY COUNCIL

The Point No Point Treaty Council (PNPTC) manages fisheries and shellfisheries in the Puget Sound area for four Western Washington Tribes: the Skokomish Tribe, the Port Gamble S'Klallam Tribe, the Lower Elwha S'Klallam Tribe and the Jamestown S'Klallam Tribe. The four member Tribes' "usual and accustomed" fishing areas encompass the largest treaty area of the Northwest Tribes. The following items are FY 94 appropriation priorities for the Point No Point Treaty Council.

We are in a unique situation this year of testifying before Congress on the FY 94 budgets of the BIA & IHS prior to their release. Therefore, our recommendations for regional and national budget considerations are based on previous budget presentations by the Agencies. We plan to submit separate recommendations for Congressional consideration after we have had the opportunity to review the FY 94 budgets.

PNPTC - TRIBAL APPROPRIATION PRIORITIES:

Increase of \$150,000 to the PNPTC Fisheries Management Base Program
FY 94 funding under Western Washington Fisheries Management to

provide an equitable level of support to the PNPTC's fisheries programs.

Increase of \$400,000 to provide PNPTC Shellfish Management, Enforcement and Enhancement Programs, within the \$1.6 million Northwest Tribal Request (see Regional Priorities).

REGIONAL APPROPRIATION ISSUES - BIA & FWS:

Bureau of Indian Affairs - Fisheries

Restore \$1.375 million for Timber-Fish-Wildlife Program to FY 93 level; Increase to \$2.1 million added to BIA Other Recurring Programs, Resources Management, Wildlife and Parks Budget Base.

Increase of \$1.6 million for twenty Western Washington State Tribes collective shellfish management, enhancement and enforcement programs added to BIA Other Recurring Programs, Resources Management, Wildlife and Parks Budget Base.

Restore \$550,000 for Washington State Tribes Water Resource Planning to FY 93 level; Increase by \$200,000 to restore to FY 91 level and direct BIA to add to Non-Recurring Programs, Resources Management and Development Budget Base.

Restore \$100,000 for Northwest Indian Fisheries Commission Fish Health Lab to the FY 93 level; Add to BIA Other Recurring Programs, Resources Management, Wildlife and Parks Budget Base.

Increase of \$1.650 million to add \$75,000 to budget base of twenty Western Washington State Tribes fisheries management and fish hatchery O & M programs to restore a decade of COLA/inflation budget erosion; Add to BIA Other Recurring Programs, Resources Management, Wildlife and Parks Budget Base.

Provide \$3,133,531 for U.S.- Canada Pacific Salmon Treaty implementation for NWIFC, CRITFC, and Metlakatla Tribe of Alaska representing a five percent increase over FY 93 appropriations added to BIA Other Recurring Programs, Resources Management, Wildlife and Parks Budget Base.

Provide \$730,000 in FY 94 for the Skokomish Tribe for settlement of water resource and fisheries conflicts in the Skokomish River Basin (\$480,000) and for finalizing a comprehensive plan for restoration of the Skokomish River estuary and other Skokomish Indian Reservation wetlands (\$250,000).

Increase appropriations for one-time fifth quarter funding for NWIFC to switch to calendar year financial management including \$272,800 for Fisheries Management and \$498,000 for Pacific Salmon Interception Treaty Management added to BIA Other Recurring Programs, Resources Management, Wildlife and Parks Budget Base.

Increase of \$540,000 to renovate/operate a Lummi shellfish hatchery to provide seedlings to twenty Western Washington State Tribes to begin to regenerate and restore shellfish in the Puget Sound and on the Pacific coastline added to BIA Other Recurring Programs, Resources Management, Wildlife and Parks Budget Base.

Fish & Wildlife Service

Restore \$100,000 to the Fish and Wildlife Service for the Northwest Indian Fisheries Commission Treaty Indian Catch Monitoring Program providing essential fish catch monitoring, data management and analysis; Increase to \$200,000 in FY 94 and add to Agency Budget Base.

Support increases for the Fish and Wildlife Service assistance to the U.S. Section of the U.S. - Canada Pacific Salmon Treaty including: \$21,000 for the Pacific States Marine Fisheries Commission's Regional Mark Processing Center; \$747,533 to total FY 1.073 million in FY94 for critical Yukon River studies; and, a \$366,500 increase for FWS essential management functions.

NATIONAL APPROPRIATION ISSUES - FISHERIES:

Restore \$1.5 million to FY 93 approximate for Fish Hatcheries Rehabilitation added to BIA Construction, Resources Management Construction Budget Base.

Restore \$200,000 for Fish Hatcheries Cyclical Maintenance added to BIA Other Recurring Programs, Resources Management, Wildlife and Parks Budget Base.

Restore all tribally-managed BIA Contracts and Grants in Natural Resources to FY 93 levels.

Restore the BIA Unresolved Hunting and Fishing Rights Budget to FY 93 level and add to Non-Recurring Programs, Resources Management FY 94 Budget Base; Direct BIA to transfer this program to Other Recurring Programs, Resources Management for FY 95 Budget Justification.

NATIONAL APPROPRIATION ISSUES - TRIBAL:

Support the Tribal Self-Governance Demonstration Project and the need for shortfall funds in FY 94 which will provide stability to the participating tribes and their tribal organizations.

Direct BIA and IHS to accurately assess and support Tribal Cost of Living Adjustments and stop inflation erosion of Tribal Contract and Grant management capabilities with special analyses in FY 94 and corrections added to FY 95 Budget Justifications.

Increase BIA Contract Support Funds by \$10 million, nationwide, in FY 94 to support increasing Tribal contracting from BIA.

STATEMENT OF DAVID JOHNS, VICE-CHAIRMAN, SQUAXIN ISLAND TRIBE

Background

The Squaxin Island Tribe has received minimal support from the BIA in all program areas in comparison to other Tribes in western Washington State. We are a small Tribe at the southern end of Puget Sound providing basic government services, managing our fisheries and shellfish resources, and operating successful shellfish beds with wholesale/retail sales and a convenience store.

All our Tribal requests should be considered equal priorities as each is needed to improve our government management and services.

Summary of Squaxin Island Tribe's FY 94 Appropriations Requests

- Increase of \$176,000 for Squaxin Island Tribal Shellfish Management, Enhancement and Enforcement in conjunction with the twenty western Washington Tribal \$1.6 million request added to BIA Other Recurring Programs, Natural Resources, Wildlife and Parks Budget Base.
- Increase or earmark of \$313,000 for Squaxin Island Alcohol Inpatient Treatment Program in FY 94 due to expected IHS shortage from FY 93 funding level in IHS Hospitals and Clinics, Alcohol and Substance Abuse Program.
- Increase of \$140,000 for Squaxin Island law enforcement for additional personnel, two patrol cars, a patrol boat and management improvements added to BIA Tribal Priority Allocations, Public Safety and Justice Budget Base.
- Increase of \$60,000 for Squaxin Island Early Childhood Education program to expand instructional capabilities added to BIA Tribal Priority Allocations, Education, Other-Education(Tribal Design) Budget Base.
- Increase of \$60,000 to design/install comprehensive Tribal government-wide computer data management system and train staff added to BIA Tribal Priority Allocations, Tribal Government, Other Aid to Tribal Government Budget.

Squaxin Island Tribe Requests and Recommendations: Regional Level

Squaxin Island Tribe supports the testimony and programs testified to by the Northwest Indian Fisheries Commission. These valuable programs and projects need to be restored and increased.

Restore \$550,000 for Washington State Tribes Water Resources Planning to FY 93 level; Increase by \$200,000 to restore to FY 91 level and direct BIA to add to Non-Recurring Programs, Resources Management, Water Management and Development Budget Base.

Increase of \$1.6 million for twenty Western Washington Tribes collective shellfish management, enhancement and enforcement programs added to BIA Other Recurring Programs, Resources Management, Wildlife and Parks Budget Base. Increase of \$1.575 million to add \$75,000 to budget base of twenty Western Washington Tribes and NWIFC fisheries management and hatcheries O & M programs to restore a decade of COLA/inflation budget erosion. Add to BIA Other Recurring Programs, Resources Management, Wildlife and Parks Budget Base.

Provide \$925,000 for the Squaxin Island Indian Tribe's continued management of a Tribally-oriented Alcoholism Treatment Center as either increased to or designated from the IHS Hospitals and Clinics Alcoholism and Substance Abuse Program Account added to the Budget Base.

Squaxin Island Tribe Requests and Recommendations: National Level

Increase of \$600,000 for the Northwest Inter-Tribal Court System operations including additional an Associate Judge, Public Defenders, Administrative Staff, Informal Dispute Resolution and Appellate Court Service functions, Training, and a Computer Inter-Active Network System added to BIA Tribal Priority Allocations, Public Safety and Justice, Tribal Courts Budget Base.

Restore \$1.5 million to FY 93 approximate for Hatcheries Rehabilitation added to BIA Construction, Resources Management Construction Budget Base.

Restore \$200,000 for Hatcheries Cyclical Maintenance added to BIA Other Recurring Programs, Resources Management, Wildlife and Parks Budget Base.

Restore the BIA Unresolved Hunting and Fishing Rights Budget to FY 93 level and add to Non-Recurring Programs, Resources Management FY 94 Budget Base; Direct BIA to transfer this program to Other Recurring Programs, Resources Management for FY 95 Budget Justification.

Direct BIA and IHS to accurately assess and support Tribal Cost of Living Adjustments and stop inflation erosion of Tribal Contract/Grant management capabilities with special analyses in FY 94 and corrections added to FY 95 Budget Justifications. Support appropriation increases to BIA for Federal Acknowledgement Process and implementation of the Native American Graves Protection and Repatriation Act through Tribal Services.

Dramatically increase appropriations to address \$600 million backlog in Water and Sanitation Facilities construction, repair and operations including IHS/Tribal environmental health management staff additions and reservation-based job stimulus construction.

Increase to \$90 million IHS Small Rural Health Facilities Construction authorized by Section 306 of P.L. 102-573 both construct at least three small clinics in each IHS Service Area and provide rural economic stimulus.

Support IHS FY 94 Budget increases to: add \$1.5 million for Alcoholism and Substance Abuse; \$30 million for Contract Health Service Program; add \$20 million for Population Growth; add \$10 million for Deferred Services; \$5 million for Catastrophic Health Emergency Fund; add \$125 million for Indian Health Care Improvement Fund; add \$6 million for Mental Health Services; and address Outpatient clinic appropriation needs.

Direct IHS to stop using unrealistic and misleading reimbursement estimates from Medicare/Medicaid and Third Party Insurers in future budget estimates; Budgets should reflect actual appropriations justifications.

Restore IHS reductions to FY 93 budgets for Tribal Self-Determination contracts/grants and direct services to Indian people.

Increase FY 94 funding for IHS Contract Support Funds; Require IHS to accurately assess needs and report to Congress by 12/1/93.

Tribal Shellfish Management, Enhancement and Enforcement Program Support Becoming Increasingly Essential + \$176,000

The Squaxin Island Tribal members have harvested shellfish for subsistence and commercial purposes in our "usual and accustomed" areas for centuries. Environmental degradation of beaches and tideland areas have seriously threatened this once bountiful resource as the State Health Department has closed many traditional gathering areas.

The importance of shellfish to the Squaxin Island Tribe is easily demonstrated by our 111 licensed shellfish diggers and a gross harvest revenue of over \$350,000 in 1992. Tribal members harvest from tidelands both on and off reservation. These areas need to be managed and protected to insure maintaining future production of this valuable resource.

The Tribes and State of Washington are now in Federal court to determine the extent of our shellfish harvesting rights. In FY 92, Congress supported State/Tribal negotiations to resolve differences. We are hopeful of a mutual resolution rather than court-defined solution this year.

The Squaxin Island Tribe's Shellfish Management, Enforcement and Enhancement program proposes to employ shellfish policy analyst, patrol/monitoring staff, biologists, management technicians, and contracted labor for tideland surveys and enhancement efforts. Also required will be operational supplies and equipment both as one time start-up and on-going operation expenditures. This \$176,000 shellfish program is part of the twenty-western Washington Tribes \$1.6 million shellfish proposal to comprehensively protect, manage, regulate and restore this precious marine resource.

Congressional Assistance Needed to Provide Adequate Funding for the Squaxin Island In-Patient Alcohol Treatment Center serving Multi-Tribe Referral + \$313,000

The Squaxin Island Indian Tribe, in cooperation with fourteen Tribal governments in the Pacific Northwest, proposed to establish, through IHS a Tribally-relevant in-patient alcoholism treatment center as an alternative to existing urban-oriented treatment methodologies in Fiscal Year 1993. With Congressional encouragement in the FY 93 Interior Appropriations Conference Report, the IHS provided \$909,210 to open and operate the center this year. The IHS has informed us, unfortunately, that only \$596, 210 will be available in FY 94 leaving a shortfall of \$313,000.

The alcoholism disease among American Indians is epidemic in the personal disaster wreaked on individuals, their dysfunctional families and Tribes. The unique complexities of American Indian existence in America creates subtle vulnerabilities to this bottled scourge. Serving fourteen area Tribes, the center combines state-of-the-art treatment approaches with traditional healing methods staffed with quality certified professionals. We ask Congress to restore this \$313,000 shortfall and let us show the effectiveness of a Tribally-managed, culturally sensitive treatment effort over time.

Squaxin Island Law Enforcement Needs Extra Officers and Improved Vehicles/Boats to Maintain Effective Service: +\$140,000

The Squaxin Island Law Enforcement service provides around-the-clock surveillance and response services both in our rural reservation setting and on the waters of South Puget Sound. Our officers also serve a support role to the adjacent county, State marine patrol and the Coast Guard through cooperative agreements. Improved drug enforcement in municipalities has driven drug activity to rural settings. It is important that our enforcement capabilities are adequately improved to meet this challenge for the protection of our most valuable resource, our youth. We estimate that one-fourth of the Squaxin Island oysters are poached each year. Our law enforcement marine patrol covers beach surveillance, fisheries enforcement, and emergency response for an area including over 2,000 miles of beaches and over 1,000 square miles of open water. Our watercraft and vehicles are antiquated and ill equipped to handle emergencies.

We request appropriations for increased support to our Tribal law enforcement program in BIA Tribal Priority Allocations, Public Safety and Justice for two trained, certified, and equipped officers. Also inflation adjustments for current personnel for a \$50,000 addition to the budget base. We also request one time appropriations for one twenty-one foot boat (\$40,000), two patrol cars (\$20,000), and two utility vehicles (\$30,000) to modernize decades-old boats and vehicles.

Support Through BIA for Tribal Early Childhood Education Requested as Alternative Financial Support Unavailable +\$60,000

The Squaxin Island Tribe operates an Early Childhood Education Program offering traditional arts, cultural awareness opportunities with Tribal elders, and Tribal values orientation in conjunction with pre-school preparatory instruction. With two full time teachers, one part-time assistant and volunteer parents, this unique program provides benefits to the children, families and the Tribal community. Partially supported by the Tribe, the program has been hampered by lack of funding as most children don't qualify for Head Start and pre-school financial assistance is rare. We cherish the children and the Tribal-oriented early education opportunities being offered which strengthen delicate, sensitive self-images. We request Congressional support through BIA Education for this Tribal priority concern.

Tribal-Wide Computer Information System Requested for Tribal Government Management/Operations Efficiencies +\$60,000

The Squaxin Island Tribal government is a small, but efficient operation. Over the last two decades, our government responsibilities and services have grown, but modern technologies for cost-efficiencies and communications have been compartmentalized with the various service functions. This has resulted in Duplicate systems and no comprehensive means to manage Tribal information.

The Tribe requests support, to identify current and future information management needs, establish an inter-active computer network, and train Tribal employees in its use. This new computer system will provide our Tribe with the capability to create accurate and timely data and reports for improved decision-making, management and establish inter-departmental communications through an integrated computer network for both operational efficiencies and reduction in expensive duplicated efforts. Our modernized management system will support our plans to enter Self-Governance in the near future.

Tribal Programs and Budgets Should Be Protected From Major Reductions

We realize the Administration's prerogative to establish annual budget recommendations to Congress. We urge Congress to send a clear message to the Interior Department and OMB that future budget policies should protect Tribally-based programs.

The annual onslaught on Tribal programs in the appropriation process creates instability, confusion and morale problems at the Tribal government level. As the BIA and IHS missions are to fulfill treaty obligations, protect the trust, and assist Indian Tribes in their development, it is only logical that Tribal operations and programs be given the highest priority.

In conclusion Thank you for your consideration of our expressed concerns, requests and recommendations.

STATEMENT OF JAMES J. FLETCHER, TRIBAL ADMINISTRATOR, RINCON INDIAN RESERVATION

SUMMARY: Request for \$760,150 appropriation to the Department of the Interior, Bureau of Indian Affairs, Rincon San Luiseno Band of Mission Indians to reimburse the Reservation for funds expended to repair damage caused by winter storms and not covered by FEMA disaster relief assistance; request for \$2,000,000 appropriation to the Department of the Interior, Bureau of Indian Affairs, Rincon San Luiseno Band of Mission Indians to replace an obsolete irrigation system; request for \$700,000 appropriation to fund activities of the Advisory Council on California Indian Policy. Total request is \$32,461,050.

I. DISASTER RELIEF

Beginning January 5, 1993 and continuing, a series of severe winter storms struck the Rincon Indian Reservation and other areas of southern California. The region has received almost three times its normal annual rainfall. Damage was so severe

it resulted in a Presidential disaster declaration. The reservation suffered an estimated \$1,132,220 in damages.

Pursuant to the Presidential disaster declaration, the Reservation is entitled to assistance from the Federal Emergency Management Agency (FEMA) in defraying the cost of repairs. However, this assistance will not cover the following costs:

1. FEMA assistance is limited to 75% of the cost of repair.
2. FEMA provides no coverage for restoration of stream beds.

Much of the damage occurred in categories not covered by FEMA. For example, the 2 major streams on the Reservation changed their channels during the storm. The San Luis River has moved toward the fruit groves and threatens to damage them and the Tribal Hall. Paradise Creek widened its bed and washed out irrigation lines, road crossings, dikes, and a cable television line. Restoration of these stream beds is estimated at \$440,000.

The Reservation is further handicapped due to the fact that unlike local governments, it does not have a dependable income stream based on taxes, bonds or any other source. Thus, we are at a disadvantage in funding the co-payment amounts and non-covered disaster expenses. We would like to restore the Reservation to the conditions that existed before the storm occurred, but we do not have the money to do so. So far, we have expended \$50,000 in restoration work; none of this amount has been reimbursed.

II. OBSOLETE IRRIGATION SYSTEM

A primary objective of the Rincon Band is to reduce dependence on the federal government by developing a dependable source of revenue. Because of its unique climate and water resources, coupled with its proximity to markets. The Band has chosen to develop an agricultural enterprise. A dependable irrigation system is a key to the successful development and continuation of the agricultural resources.

Currently, the Band's farm operations consist of a 9-acre grapefruit grove, 30 acres of persimmons, 15 acres of Asian pears, 25 acres of row crops such as corn, tomatoes and peppers and a partially installed 30 acre avocado grove. The Band has received funding from the BIA to develop an additional 20 acres of avocados.

The Rincon Reservation has its own water supply from wells which are connected to a large aquifer supplied by the San Luis Rey River. The ground water is adequate to support both the domestic needs of the Reservation and the farm operations, assuming the presence of a dependable irrigation system.

Initial construction of the existing irrigation system occurred between 1910 and 1917. Additional mains were constructed and some original mains were replaced in 1933 and 1934; limited additional replacement took place between 1967 and 1976. Due to the age of the system, it is unreliable and often breaks down, creating a threat to the Band's agricultural investment. During the long, dry summer and fall, the farm is particularly vulnerable to even a brief system breakdown, which can cause damage to the crops and inhibit the Band's ability to economically self-develop. For example, some of the irrigation wells are powered by a BIA power system. When the transformers in the BIA electrical system broke down, the Band had to rent a generator to power the pump and keep water on the crops while the BIA power system was being repaired. While the BIA funded the repair of the transformers, the Band had unreimbursed expenses for the generator rental. If the Band had not rented the generator, it would have lost valuable crops. The BIA has informed us that while they support the need to replace the irrigation system, they do not have the funding to do so. The Band respectfully requests the Committee to approve an appropriation for this purpose.

III. ADVISORY COUNCIL ON CALIFORNIA INDIAN POLICY

Congress has found that there is a continuing social and economic crisis, among California Indians, characterized by, among other things, alcohol and substance abuse. Also critical health problems, family violence and child abuse, lack of educational and employment opportunities are significant barriers to tribal economic development. These conditions exist even though public policies and programs adopted by the Federal government have been intended to improve conditions of California Indians. California tribes have expressed a need for a review of the public policies and program affecting California Indians to make such policies and programs more effective in accomplishing Federal policy objectives.

To address these concerns, Congress has established the Advisory Council on California Indian Policy. The task of the Council is to conduct investigations and studies and submit a report to the Congress, the Secretary of the Interior and the Secretary of Health and Human Services. The report is due no later than 18 months after the date of the first meeting of the Council. However, funding for the Council is not available until halfway through the allotted time.

On behalf of the California Indian Advisory Commission, the Rincon, San Luiseno Band of Mission Indians would like to request the Sub-committee to appropriate \$700,000 for the Commission so that it may have the resources to accomplish its task.

STATEMENT OF THE NARRAGANSETT INDIAN TRIBE

On behalf of the 2,000 member Narragansett Indian Tribe, we submit our statement on the President's FY1994 budget request to Congress for programs of the Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) which we contract to operate under the Indian Self-Determination Act. The Tribe presently contracts 13 BIA funded programs as well as a health program with the IHS under the Act.

BIA APPROPRIATIONS

1. THE TRIBE LACKS FUNDS FOR MUNICIPAL SERVICES ON THE RESERVATION - We need a Federally funded law enforcement program, tribal court, and fire suppression capability for our 1,800 acre reservation and approximately 1,000 acres of old reservation lands. It is the aspiration of the Narragansett Indian Tribe to restore the Reservation Area as a center for the tribal community. The Tribe's housing development, supported by HUD funding, is well on its way. Associated municipal services, however, are desperately required to service the tribal population which we are encouraging, through HUD construction and economic development, to return to the reservation. The Senate Indian Committee has recognized that:

"The conditions for successful economic development on Indian lands are essentially the same as for any other predominantly rural community. There must be community stability, including adequate law enforcement and judicial systems and basic human services. There must be adequate infrastructure including roads, safe water and waste disposal systems, and power and communications utilities. When these systems and services are in place, tribes are in the best position to implement economic development plans, taking into account the available natural resources, labor force, financial resources and markets." S. Rep. 274, 100th Cong. 4 (1987).

Year after year, our funding requests for law enforcement, fire protection and tribal court services go unanswered. Last year, the BIA received nearly \$400 million activity dollars in the Tribal Priority Allocations. Public Safety and Justice is one of the eight funding categories which comprise the Tribal Priority Allocation. In FY1993, our share of the \$85 million appropriated for Public Safety and Justice was only \$7,000 for law enforcement (less than one one-hundredth of one percent). We received no funding for Tribal Courts and Community Fire Protection. As a result, our FY 1993 contract for a Fire Protection program was just declined by the BIA for lack of funds. Next year we are scheduled to receive \$8,000 for law enforcement.

We took the \$7,000 in FY1993 Law Enforcement funds and combined them with nearly half of our FY1993 Special Distribution funds to create enough of a budget to submit a law enforcement contract application to the BIA to perform law enforcement services on the reservation's 1,800 acres and approximately 1,000 acres of old reservation lands with just one police officer. We are pleased to have the support of our Congressman, Jack Reed, in this endeavor. We expect the BIA to approve our contract which will commence July 1, 1993. Funding under our contract, however, was adequate for just a six month program. The program will end December 31, 1993, without additional FY1994 Public Safety and Justice funds from the BIA.

The Administration has requested a \$10 million increase to Tribal Priority Allocations. The proposed FY1994 Law Enforcement budget for Narragansett is \$8,000 and fire suppression and tribal courts are not funded. We have two requests: 1) additional FY1994 funding for our Law Enforcement Program, Tribal Courts, and Community Fire Protection programs of \$391,000, and 2) an overall increase of at least \$20 million in Tribal Priority Allocations for all tribes.

IHS APPROPRIATIONS

2. ON-SITE TRIBAL HEALTH CLINIC - In addition to operating 13 BIA funded programs, we also operate a health program under a self-determination contract with the IHS. We have no health clinic and our services are primarily limited to providing referral services. The lack of a direct care program hinders the Tribe's ability to control costs, and ensure the quality of care. Furthermore, the special needs and traditions of Native populations cannot be adequately addressed under such a program. Our goal is to build a clinic this year with non-Federal funds and we seek your support for increased FY1994 appropriations for new clinic staffing, equipment and maintenance needs. Without an increase to the IHS budget, we will not be able to adequately staff, equip or maintain the new facility.

Since 1989, we have been trying to establish an on-site facility for direct health care where we hire our own physicians, nurses, counselors and administer a health program better tailored to our peoples' needs, both spiritual and physical. In FY1991, we obtained report language directing the IHS to work with us to renovate three modular units to house our health clinic. The IHS, however, permitted us to lay a foundation but did not interpret the report language to

allow us to renovate the units. The FY1993 Appropriations Act was therefore broadened to permit tribes to use service funds, in limited circumstances, to renovate or purchase modular buildings. As of today, six months later, the IHS Office of Environmental Health and Engineering has failed to issue guidelines to IHS Area Offices. A "working draft" is due out this month. As a result of all the bureaucratic delays by the IHS, however, the units sat exposed on flatbed trucks for more than two years and are no longer usable.

We were compelled to turn to permanent construction. With the support of the IHS Area Office, we are now seeking a commercial loan to build our clinic. An FmHA or commercial loan will fund construction of our clinic hopefully this year. Without additional appropriations of \$2.6 million, above our current funding, the facility will not be able to meet our health needs. We request additional funding for Hospitals and Clinics over the Administration's proposed increase of \$33 million.

3. LIMITED HEALTH SERVICE DELIVERY AREA - In combination with the construction of our health clinic, we seek to expand our health service delivery area to include all of Rhode Island to promote community cohesiveness and insure adequate service delivery to Tribal Members. Since Federal recognition in 1983, the IHS limited us to serving members who reside in Washington County, Rhode Island, rather than being able to serve all members of the Tribe who reside throughout the State as indicated in our recognition documents. This restriction does not allow the Tribe to adequately service our membership as roughly half of our population lives in surrounding counties. Rhode Island is smaller than many counties, towns or reservations in other areas of the country, and the Tribe does successfully serve its members throughout Rhode Island with other programs. When we raised this issue with the IHS Area Office, they responded that this matter would have to await promulgation of eligibility regulations which have been put on hold by Congress. We disagree and have decided to go forward under existing regulations (42 CFR §36.15(d)) and we request that the Subcommittee support our position that the Health Service Delivery Area includes the entire State. We trust that we can count on the Subcommittee's support in clarifying our right to request a change in our Health Service Delivery Area so that we can ensure that all of our members receive adequate health care -- something which every American is entitled to, including Indian people.

4. IHS CONTRACT SUPPORT COST SHORTFALLS - Under our present 1993 IHS health contract, we are experiencing an indirect cost shortfall of \$77,000. The IHS funded only 69% of our current negotiated indirect cost rate. Further, we are also experiencing a \$222,000 indirect costs shortfall in our BIA programs. If our final indirect cost rate increases, that figure will rise. How can we ever hope to operate a cost-effective health care system if, by choosing to contract health services as an expression of self-determination, we are financially penalized by the Federal Government for taking upon ourselves the responsibilities and obligations of serving our people? This penalty is inconsistent with the Indian Self-Determination Act.

We understand that to date, neither the IHS nor the BIA have submitted the required March 15th report to Congress detailing existing funding shortfalls (direct program and contract support costs/indirect costs) for Indian tribes operating self-determination contracts. The IHS has yet to fund us at our present negotiated indirect cost rate. We were shocked to learn that last year the IHS failed to report to Congress the FY1992 contract support cost shortfall despite data from the Area Offices that such shortfall existed. We urge you to obtain accurate information from the IHS on anticipated contract support cost/indirect cost shortfalls for FY1994 to enable the IHS to comply with the statutory requirement to request and fund 100% of tribal contractor need.

DEVELOPMENT OF STRONG TRIBAL ECONOMIES

5. THE NEED FOR ECONOMIC DEVELOPMENT - Finally, the Tribe is actively pursuing a number of economic development projects to promote the self-sufficiency of the Tribe. A diversity of approaches will better ensure a sustainable economy for the Tribe and employment opportunities suited to the range of skills and interests of Tribal Members. The Narragansett Indian Tribe is celebrating 10 years of Federal recognition. It is our ultimate aim to achieve financial independence from the Federal government. We have actively sought, since 1991, to establish a gaming enterprise on our reservation in accordance with the Indian Gaming Regulatory Act (IGRA), a law designed to provide Indian tribes a degree of economic stability. These efforts have been, and are presently being, frustrated.

We sought the State's cooperation in setting up a gaming facility by mutual agreement. The State's initial response was cooperative, but when they cooled, we decided to go forward anyway. The State then instituted a law suit to stop the Tribe from proceeding. We have won a recent victory in the United States District Court which reaffirms our entitlement, under the Indian Gaming Act, to pursue economic enterprises which will afford us financial independence. No sooner had the decision been issued, however, than individuals in Rhode Island, and in this Congress, were at work to see that the Narragansett Tribe, and other Indian tribes, do not benefit

from this law, and remain dependent upon the Federal government for the funds necessary to ensure the safety and wellbeing of tribal members. While this is not a matter specifically under the Subcommittee's jurisdiction, we ask you, as individual members of the Subcommittee which funds so many Indian programs, to oppose efforts by Congress to narrow or eliminate gaming activities under IGRA which generate funds for Indian people. In a time when Federal funding for Indians continues to be inadequate, it is disappointing that those in positions of power seek to limit Indian tribes in their efforts to pursue a lawful and congressionally-sanctioned method of funding programs which benefit Indian people.

We thank you and hope that you will act favorably on our requests.

STATEMENT OF THE YUKON-KUSKOKWIM HEALTH CORPORATION

The Yukon-Kuskokwim Health Corporation (YKHC) is a non-profit inter-tribal organization that delivers primary and secondary health care, educational, preventive, and health planning services to the Alaska Native people of the Yukon-Kuskokwim Delta Region of Alaska. Organized in 1969 as part of the Office of Economic Opportunity's effort to develop consumer controlled health organizations, YKHC started with four programs. Today it operates over one hundred programs and is the largest federally designated Indian Health Service tribal contractor in the United States operating under the Indian Self-Determination Act.

YKHC serves a region of about 76,000 square miles, approximately the size of the State of Kansas, with a 1990 census population of 19,863. The region's Alaska Native Tribes (both Yup'ik and Athabaskan) make up over 86% of the population, the highest concentration of Native people in any region of Alaska. The people served by YKHC reside in 50 tribal villages located throughout the Delta region, none of which are connected by any road system.

On October 1, 1991, YKHC added to its Indian Health Service (IHS) contract the management and operation of the in-patient facilities of the Yukon-Kuskokwim Delta Regional Hospital (YKDRH) situated in Bethel. This hospital is a 50 bed general acute care medical facility also housing laboratory services, a comprehensive dental clinic, an eye clinic and maternal-child health promotion programs. Overall YKHC employs some 600 individuals. As part of its operation YKHC has the largest field health care program in Alaska. Presently, the 176 Community Health Aides (CHA) who work in 48 village-built clinics make up the heart of the YKHC health care delivery system. Our CHAs are virtually all Alaska Native and work in unique situations. Living in their home communities, they provide basic health care services to the villages in our region. Much of this is accomplished through consultation with the hospital physician staff via telephone or radio.

The CHAs workload is intense and ever-expanding. During fiscal year 1992, 93,797 village patient encounters were made, a 14.7% increase over the prior year and more than twice as many as any other region in the State. One reason for the large number of encounters is that the overall health status of the people within the region is among the lowest in the Nation. Sadly, in major part this is attributable to the lack of adequate water and sewer systems in most of the villages, conditions comparable to many Third-World countries. Only one-fifth of our communities have piped water and sewage systems. The remaining communities generally have sewage pits or bunkers where sewage is carried by hand, and a central village well and storage tank where water is chemically treated and manually carried to the homes.

While we face vast challenges in many areas, we would focus today on indirect cost shortfalls, a problem which literally forces us to rob our programs in order to run our operations. Public Law 93-638 and its amendments clearly reflect the Congressional intent to fully fund indirect program costs to preserve direct health care funds for direct services. Sadly, however, this is not happening -- and to a great extent because the shortfalls are not being properly recognized by IHS and reported to Congress.

Earlier this year, the Alaska Area Director reported to the Indian Health Service Headquarters that the total indirect shortfall within the Alaska Area during fiscal 1992 was \$1,520,604. It was subsequently reported to us that even this incomplete information was never forwarded to Congress as required by law. Moreover, the amount was woefully understated and inaccurate.

By definition, an indirect cost shortfall is the difference between the application of a federally-approved indirect rate to a contractor's allowable and allocable program expenses, and the amount of indirect dollars actually received by a contractor. Practically speaking, indirect funds are used to manage and support YKHC's programs. The funds are necessary to operate payroll and personnel systems; operate procurement systems; house administrative offices; cover all facility costs (including lease costs, utility expenses, security and maintenance, and housekeeping); purchase accounting, auditing and program monitoring services; cover Board costs, and costs of executive management; purchase property insurance; purchase and maintain office equipment; and train employees.

YKHC's indirect rates are negotiated every year with the Department of Health and Human Service's Region X Division of Cost Allocation. Then, the rate is further reviewed and approved by Region IX Division of Cost Allocation. In turn, IHS's Self-Determination Act contracts clearly distinguish indirect contract dollars from direct program dollars. Thus, identifying the funded side of the equation is simple.

YKHC's IHS contract identified \$4,013,291 of available fiscal year 1992 indirect dollars. But for the same year indirect expenses allocable to the IHS (again, according to Region X's calculations) totalled \$7,000,000. **Thus, in FY 1992 YKHC suffered an indirect cost shortfall of over \$3,000,000.** Last year the \$3,000,000 shortfall was secured by robbing direct health care dollars and reducing services, thereby further impeding YKHC's ability to rise above crisis health care management.

When confronted with this problem, the Alaska Area Indian Health Service Office's solution was to attempt a unilateral paper reclassification of \$3,054,471 of direct health care dollars to indirect dollars. A similar attempt was made at the beginning of fiscal 1993. Aside from being illegal, such action defies common sense. In the end, none of YKHC's indirect cost shortfall was ever reported to Headquarters.

Today, YKHC is financially unable to maintain even last year's level of care. Services have suffered. Moreover, to remain within budget this year, management has been forced to reduce the hospital work force by 44 positions. Further cuts loom on the horizon, especially if third-party collections do not substantially increase. Our situation is critical.

Let me put into concrete terms what restoring a \$3,000,000 shortfall could mean. If appropriated on a recurring basis, six physicians needed to expand patient care could be hired. These positions could perform the following:

- (a) Internal medicine specialty units -- 2,500 annual outpatient visits.
- (b) Physician village visits -- 2,500 annual patient contacts.
- (c) General family practice clinics -- 7,000 annual outpatient visits.

Patient encounters are critical to the early identification and treatment of disease. For instance the rate of cervical cancer in Alaskan Native women is two times the national average for all races. It is the second leading cause of death for women. It is also one form of cancer which is both preventable and treatable. Treatability is enhanced by early detection, a product of frequent patient encounters.

The availability of additional physicians would also enable us to meet critical patient needs in screening children in school (the Early and Periodic Screening and Testing Program). The medical services which are identified and provided are reimbursable under Medicaid, but YKHC currently lacks the physician staff necessary to provide these services. In another area, YKHC has a grave need to upgrade its medical evacuation capability to

comply with new FAA regulations. This significant risk management issue alone will cost about \$1 million to cure. Elsewhere, YKHC cannot appropriately upgrade its ancillary services given the current severe shortfall. It is in critical need of an ultrasound machine and certified mammography and sonography technicians. Other benefits of full funding for indirect costs include the ability to purchase a CAT scan that would greatly enhance early detection of cancer and to hold specialty clinics at least four times a year in the areas of ear, nose and throat (400 patient contacts), urology (200 patient contacts) and general surgery (800 patient contacts). In addition to adding to preventative care, these services would generate additional monies from billings -- but all this only if the burden of the indirect cost shortfall is lifted.

The sad reality is that in all these areas YKHC cannot take actions which would generate off-setting revenue reimbursements **due to the burden of the indirect cost shortfall**.

YKHC is specifically requesting a recurring appropriation of \$3,000,000 to fund its recurring indirect shortfall. This will allow us to make tremendous strides towards greater early direct intervention and preventative care and will ultimately expand third-party revenues. Corrective action now is simply essential to prevent any further erosion in our vast region's health care system -- after all, our hospital and its related clinics are the **only health care provider in our vast region**. In a more general sense, we also respectfully encourage Congress to insist that IHS comply with all the reporting requirements of the Indian Self-Determination Act, so that Congress is kept fully informed on the status of indirect funding.

STATEMENT OF TOM MAULSON, CHAIRMAN, LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS

Mr. Chairman and members the Committee, I am Tom Maulson, Chairman of the Lac du Flambeau Band of Lake Superior Chippewa Indians in Wisconsin. I am pleased to have the opportunity to testify concerning my Tribe's funding priorities for FY 1994.

I. Education

Education is the number one priority for Lac du Flambeau. We believe our future rests with our youth and their education. Unfortunately, each year we are forced to turn away twice the number of students that we are able to fund for higher education. To fund all of our deserving students we request \$72,000 in additional funds. We ask this Committee to increase the funding to the Bureau's higher education scholarship programs so that we and other tribes can fund all deserving applicants.

II. Natural Resources

Lac du Flambeau operates one of the most successful natural resources programs in the Great Lakes region. The preservation of our Reservation's resources -- 158 lakes, 34 miles of rivers and streams, 14,555 acres of wetlands, 55,000 acres of forest, and abundant fish and wildlife -- is the basis of our people's survival. The Tribal Natural Resource Department runs nine separate programs which not only benefit Lac du Flambeau but our surrounding communities as well.

Within our fisheries programs, we maintain rearing ponds and raceways used to stock waters with several species of fish. We perform technical work, such as creel surveys, to determine the condition of the fish population and the stocking needs. This work benefits non-Indians in the surrounding communities, who fish in our waters, as well as the many tourists who visit the area.

In response to the challenge of protecting and preserving our natural resources, we have built highly effective and respected programs. The BIA has given us top reviews. Our expertise is so well known that we serve as consultants to off-reservation fish hatcheries. Our management of the fish and wildlife helps tourism and contributes tremendously to the local economy.

In order to continue these contributions we have several funding needs.

A. Add \$1.5 million for construction of a new fish hatchery/natural resource office.

Our hatchery complex was constructed in 1936 and has become inadequate and unfit for continued use. Unsafe wiring and plumbing is a hazard for hatchery personnel. Our hatchery operation has outgrown our current facility. We now handle more species, and raise fingerlings rather than fry only. We also expect to play a significant role in increased production of extended growth walleye fingerlings for stocking into off-reservation lakes. This is an important initiative to enhance tribal-state cooperation on treaty issues. The State cannot produce all of the fingerlings needed, and is looking to us for assistance. A new hatchery facility would help us fulfill this need.

Because of our expertise with fish hatcheries, we could do much of the design work ourselves. Our assessment indicates that \$1.5 million would be sufficient for design and construction of the new facility.

B. Maintain \$1.482 million in fish hatchery rehabilitation funds.

The Administration is seeking to *eliminate* the fish hatchery rehabilitation fund. Tribes operate and maintain over 100 fish hatcheries throughout the country. These hatcheries provide jobs and promote economic development -- two major goals of the new Administration. If these funds are cut, Tribes will be unable to maintain functioning and safe hatcheries. While our key need is for a new facility, we receive rehabilitation funds to make repairs that allow us to get by for the time being. Lac du Flambeau supports maintaining hatchery rehabilitation funds at the FY 93 funding level.

C. Add \$100,000 for a tribal water office.

In FY 93 the BIA budget provided funds for the operation of nineteen tribal water offices. But the Bureau has not requested funds to establish any new water offices in FY 94. The water office program, designed to assist tribes in implementing water resources plans, should be continued and expanded. Lac du Flambeau requests an appropriation of \$100,000 to fund a tribal water office on our Reservation.

Our integrated resource management plan includes a comprehensive water resources plan, calling for a broad range of activities such as monitoring surface and groundwater, setting water quality standards, and implementing these standards. Establishing a water office is the next step in implementing our water resources plan. The requested funding will enable Lac du Flambeau to accelerate our water quality projects and hire additional technical staff.

D. Add \$150,000 for operations and maintenance of the Tribe's natural resources departments.

Last year, this Committee instructed the Bureau to make natural resources add-ons part of tribes' base funding. So, unlike in past years, we do not have to fight to maintain our budget for FY 94. We thank the Committee for its decisive action. Unfortunately, we still have a funding shortage. We need an additional \$150,000 to effectively operate and maintain our natural resource departments. Operating costs have risen significantly over the last four years, yet we have not received an increase in our base to cover these costs.

III. Funding Needs of the Peter Christensen Health Center

A. Unmet funding needs for direct services.

At Lac du Flambeau our health needs are expanding rapidly, while available funding has fallen far behind. In just four years, our registered patient population has increased from 2,189 to 3,221, or almost 50%. The average number of visits per patient is 8.6 but IHS only funds us for 6 visits, leaving the clinic to absorb costs for 2.6 visits. This translates to an unmet need of at least \$225,000. We ask that Congress appropriate a large real increase in funds for the Indian Health Service so that our needs and the needs of other tribes can be met.

B. Unmet need for contract care -- \$400,000.

We rely heavily on contract care funds to provide health services to our people. Our need for these dollars is exploding -- last year, our contract funds were nearly exhausted seven months into

the year. This was due to a tremendous increase in serious illness -- acknowledged by IHS -- as well as increased population and inflationary pressures on contract care dollars. The contract health charges have increased by 8-12 percent per year, while the CHS budget has increased by only 3-5 percent. We appreciate this Committee's efforts to increase contract care funding. But even more is needed. We ask for a \$400,000 increase in the contract care budget this year so that our people and the people of other tribes do not have to go without needed care and so that the integrity of the Tribe's preventive programming can be maintained.

C *Add \$1.2 million for renovation and expansion of the Peter Christensen Health Center.*

Our Health Center needs to be renovated and expanded to adequately meet its patients' needs. The existing clinic is overcrowded, overutilized, and overwhelmed. Both IHS and tribal sanitarians have noted safety and health concerns about the clinic. Our clinic was constructed over twenty years ago and is only 8,500 square feet. In this space we operate a comprehensive array of educational, preventive, and maintenance health care in addition to our daily ambulatory care services. A new clinic, consisting of renovation of existing space and construction of a small new space to expand the square footage to 13,000, would cost approximately \$1,200,000.

The type of clinic that Lac du Flambeau operates is not being considered for the IHS priority list. We have a registered population of 3,221, of which over one third are the elderly or the very young. Our ambulatory patient visits exceed 20,000 a year. We have two full time physicians and one physician's assistant, and excellent supportive nursing, laboratory/x-ray, and pharmacy staffs. Yet the IHS will not even consider our clinic in its ranking system because the agency considers our service population too small. Our health care providers have done an excellent job in providing our people with quality health care, considering the circumstances under which they are forced to operate. We cannot afford to wait for the IHS to find our clinic worthy of being on their priority list.

We thank you for this opportunity to testify before your Committee and for this Committee's continued support of Indian tribes.

STATEMENT OF THE PUEBLO OF JEMEZ

Description of Jemez Pueblo

The Pueblo of Jemez (Walatowa) is located in Sandoval County, New Mexico, approximately 50 miles northwest of Albuquerque on the east bank of the Rio Jemez. The Jemez Reservation is composed of the original Spanish Grant made to the Pueblo of Jemez on September 28, 1689, and lands added by Executive Orders, Congressional Acts, purchases and exchanges. Our Reservation now totals 89,623 acres.

L DOMESTIC WATER PROJECT

A *Existing System.*

The Pueblo depends on shallow alluvial wells as its primary source of water. The water from these wells contains dangerous levels of several toxins: arsenic, manganese, iron, and hydrogen sulfide. The Pueblo is particularly concerned about the level of arsenic, which exceeds the new EPA primary drinking water standards. In addition, the Pueblo's water distribution system is antiquated and poorly maintained due to the lack of funding for operation and maintenance. The water is yellow and has a sulfur odor. Simply put, the water is not safe for the Jemez people to drink.

We need a new water source, one that will provide our people with water that is free of these toxins.

B *Construction of a new water source.*

The only solution to this problem is construction of a water system that will bring water from a new source. Test drilling, a cooperative effort by the Pueblo, the BIA, and IHS, will commence shortly and will be completed by the summer. The next phase is construction of the system, which IHS estimates will cost \$687,000 (possibly less depending on the water site selected).

The Jemez project is an excellent candidate for funding. IHS ranks proposed water projects according to such factors as health impact, feasibility, and tribal priority. Based on these criteria, the Jemez project is among the highest-ranked projects in the Albuquerque area. We ask that Congress earmark \$687,000 for the Jemez Pueblo for this project.

II. JEMEZ IRRIGATION PROJECT

A. *Farming at Jemez*

Farming is a traditional part of the Jemez Pueblo culture. We have been growing corn and chili since prehistoric times. These products are not only a vital food source, but also part of our religious ceremonies. Today, practically all of our families farm on either a full or part-time basis. Some are able to sell their produce. Our goal is to maintain our culture and tradition and also to improve our agricultural base.

B. *Jemez irrigation system.*

Jemez has always relied on irrigated agriculture. Fields were irrigated by diversion from the Jemez River, just as they are today. We made diversion structures from brush, sticks, small trees and rocks, which had to be rebuilt after each major storm runoff.

In the 1930s, the United States constructed an irrigation project at Jemez. This structure is now very old and greatly in need of rehabilitation. It is so old that during storms parts of it are washed away and have to be rebuilt, leaving the crops without water. Also, some ditches have no concrete lining and we lose water due to seepage. The lined sections need upgrading and repairs. The water losses are very damaging during the low flow periods from May to August. In a region like ours, we cannot afford to lose water, but we do because of the terrible condition of the system.

C. *Rehabilitation Project.*

The cost of the first phase of the rehabilitation and modernization of the current structure would only be \$701,000. A small price to continue our culture and way of life. For phase 1 of the project, we have identified the most pressing needs. These, if taken care of, would mean immediate benefits. They are as follows:

Main diversion dam on Jemez River-headworks:	\$66,000
♦ replace gate	
♦ repair headwalls	
♦ stabilize east bank	
Main canals	\$260,000
♦ east	-concrete lining, 1550' x 2' bottom -concrete lining, Red Rock area, 1400 x 1' bottom -sluice structures, 2 each -siphon, replace
♦ west	-concrete lining, 3,500' x 2' bottom -sluice structure, 1 each
Construct Pecos heading diversion dam:	\$375,000

D. *BIA priority list.*

The BIA irrigation priority list is a meaningless ranking system which ignores small tribes, traditional farming culture and the potential for economic development. The BIA's list ranks projects according to the acres of Indian land to be irrigated. No small tribal project such as ours will be funded under this list.

We have 2784 acres to be irrigated. This is tiny in comparison to larger tribes. But the BIA's system ignores our strong farming tradition, our dedication to farming as part of our culture. It also ignores the potential we have to use farming as an means of economic development -- what other tribe can claim a unique crop whose quality is internationally known?

We are a small pueblo, but that does not mean that our people are less in need of jobs or our tribe is less in need of additional sources of funds. Ours is just the type of small project that should be funded--we have a proven track record and strong plans for the future. The requested funds would be a good investment for the government, and we urge the Committee to fund our request.

III. JEMEZ FISH AND WILDLIFE PROGRAM

A. *Jemez Fish and Wildlife Program.*

Unlike the other pueblos in our area, Jemez has forest land and lakes that allow for the development of a fish and game industry. Because we are the only Pueblo with this potential, fish and wildlife programs are a very low priority for our agency, which serves nine Pueblos. We have never received Bureau funds to

develop our fish and wildlife potential. In spite of this, our potential is very great -- our Reservation is beautiful, with excellent hunting and fishing, and is situated close to Albuquerque.

Our resources at Jemez are limited. In fact, our fishing and hunting recreation enterprise is the only real economic venture and source of revenue for the tribe. Because of a lack of funding, we do not profit from this enterprise. The monies generated from this program are only enough to keep it operating. We employ only one fish and game officer. He is responsible for selling the fish and game permits, assisting the fishermen, and maintaining the lake improvements.

B. Additional funding needs.

We need additional resources to promote our fish and game industry to tourists, and upgrade the condition of our lakes and docks. This area is some of the most beautiful country in the world and is already visited by thousands of people every year. Yet, because of a lack of economic resources the Pueblo of Jemez is unable to benefit from these people who are enjoying and using our lands. The key to tribal self-determination is economic self sufficiency. The development of this recreational enterprise would go a long way in providing the Pueblo of Jemez with the economic self-sufficiency needed to operate our tribal government and programs.

C. Projected program costs.

We request an \$85,000 add-on for a tribal management and development program. The costs area are as follows:

♦	Salary for existing game officer	\$15,000
♦	Salary for additional officer	\$15,000
♦	4x4 vehicle for use by game officers	\$20,000
♦	Mileage and repair of vehicle	\$ 3,000
♦	Promotional budget to expand program, increase tourism	\$10,000
♦	Site improvements for recreation area	\$11,000
♦	Indirect costs	\$11,000
	TOTAL	\$85,000

Thank you very much for the opportunity to submit testimony.

STATEMENT OF CLAIR SABATTIS, CHAIRMAN, HOULTON BAND OF MALISEET INDIANS

Mr. Chairman and members of the Committee. I am Clair Sabattis, the Chairman of the Houlton Band of Maliseet Indians. I appreciate the opportunity to appear here today to discuss with you some of the needs faced by the Houlton Band. Our fundamental problem is this -- we were recognized by Congress thirteen years ago, but the funds we receive through the BIA have essentially remained stagnant since recognition. Our capabilities and needs have increased over the years. For example, the Houlton Band now has a reservation land base -- which was not the case at the time of our recognition. But the funds necessary for us to develop our governmental institutions and our tribal economy in accordance with these changes have simply not been available.

Some background on the Houlton Band may be helpful to the Committee. The Houlton Band is a small tribe of about 563 members located in Aroostook County in northernmost Maine. The Houlton Band was federally recognized in the 1980 Maine Indian Claims Settlement Act. That Act also provided the Houlton Band with a land acquisition fund of \$900,000. We have used these funds to purchase lands in the area of Houlton, Maine. We now have a Reservation of approximately 820 acres, where we are actively re-establishing our tribal homeland. We have a tribal community center, which is the focus of our tribal activities -- including our health, social services, education, real estate and administrative programs. We are also in the process of constructing our first housing project -- with 10 units in place and 40 more to be constructed this year.

But with our Reservation established, and with housing now being developed, it is vitally important that the Houlton Band take positive steps in connection with these changed circumstances. I am here to urge the Committee to help the Houlton Band move forward.

1. **Agriculture (\$100,000).** Aroostook County is potato farm country. Of the 820 acres which comprise our Reservation, about 575 are suitable for agriculture. Since potato farming is so pervasive in our area, many of our tribal members have the expertise needed to develop a successful potato farm. We also are located close to markets, and, in fact, a local food company has expressed interest in purchasing potatoes from us. Unfortunately, we are not a wealthy tribe, and can not afford the equipment and related items needed to develop farming on our lands. Nor have we ever received any federal funds relating to agricultural development. We request \$100,000 to purchase the necessary equipment (tractors, delivery trucks), to undertake the requisite planning, and to hire the farm workers to develop our agricultural land base. This project will help to make our Reservation lands productive, will provide jobs to tribal members, and will establish the Houlton Band as a participant in the local economy.

2. **Fisheries and Recreation Management and Development (\$90,000).** Our area also has excellent potential for outdoor recreation development. In particular, the Meduxnekeag River is rich in brown trout, providing superior fishing opportunities. We request \$90,000 to enable us to develop plans for a small fish hatchery, and stock ponds to enhance the fisheries in our area, and to plan for related boating and campground development. As with our request concerning agriculture, this request seeks funds to determine how best the Band to make effective economic use of our Reservation, consistent with the natural resources available to us.

3. **Tribal courts (\$30,000).** The Houlton Band does not now have any tribal court system. Tribal courts are important institutions of tribal sovereignty, and are better able than other courts to reflect the laws and values of tribes in the resolution of disputes. We seek \$30,000 to undertake a feasibility study of establishing a tribal court to resolve disputes involving the Tribe or arising on our reservation. We are particularly concerned with Indian Child Welfare Act cases and other matters relating to our children. The study would examine (1) the sources and limitations on our tribal judicial authority, (2) the numbers and kinds of cases affecting our people and Reservation, (3) the tribal traditions regarding dispute resolution as they may affect modern judicial institutions, and (4) the staffing, funding and other requirements to establish a tribal court.

4. **Funding Equity.** Since our recognition in 1980, our funding has remained stagnant. We currently receive total direct funds of \$266,317 for our education, social services, aid to tribal government, real estate services, and forestry programs. We have had no substantial increases in these programs, and in fact some programs -- such as real estate -- have been decreased from earlier years. In addition, our requests to the BIA for funds for new programs are met with the response that no funds are available. In short, unless Congress acts, we are locked into the funding status we faced in 1980.

Compared with the Houlton Band, tribes which are more newly recognized appear to receive more reasonable BIA funding. For example, the Aroostook Band of Micmacs was recognized by Congressional action in late 1991. The Micmacs are our neighbors in Aroostook County, and have just under 500 tribal members. The similarities between the two tribes were acknowledged by Congress in the Micmac Settlement Act which states that

The Aroostook Band of Micmacs, in both its history and its presence in Maine, is similar to the Houlton Band of Maliseet Indians and would have received similar treatment under the Maine Indian Claims Settlement Act of 1980 if the information available today had been available to Congress and the parties at that time.

Despite the geographical, numerical and historical similarities between the two tribes, it appears that we are being treated in a vastly different manner in terms of BIA funding. According to information provided to us by the BIA, the BIA budget justification for FY 1994 calls for the Aroostook Band of Micmacs to receive \$626,000 in direct funds and \$250,640 in indirect costs. While we have not been provided with a breakdown of the programs for which these funds are to be allotted, we are confident that the Micmacs' funding is reasonable, and that they have a need for every dollar proposed and more.

On the other hand, the treatment of the Micmacs as a new tribe, underscores how significantly underfunded the Houlton Band is. Our total *direct* funding is only very slightly more than the *indirect* funds proposed for the Micmacs for next year. To the extent that we are, as Congress has indicated, two similarly situated tribes, this kind of disparity in funding can not be justified. While the needs of the most recently recognized tribes must be addressed, there must also be equity in the distribution of BIA funds for tribes like the Houlton Band.

We urge the Committee to take this into account in evaluating the Houlton Band's funding needs. In addition, we would urge the Committee to include in its Committee Report language to require the BIA to report to the Committee, on an area by area basis, on how to reduce funding disparities among tribes.

I thank you for your time and your consideration of the needs of the Houlton Band.

STATEMENT OF THE SAULT SAINTE MARIE TRIBE OF CHIPPEWA INDIANS

We appreciate the opportunity to submit testimony concerning the Tribe's funding needs for FY 1994.

The Sault Ste. Marie Tribe is located in the Eastern Upper Peninsula of Michigan. Our people are the descendants of the original Ojibwa people, who have been identified with the Upper Great Lakes Region for over 450 years. We received federal recognition in 1975. At that time, we had no tribal land at all, but have since purchased 600 acres.

A. Funds to Expand and Renovate the Endahyon Group Home (\$385,000)

History of the facility. The Endahyon Emergency Shelter and Group Home, licensed and operated by the Sault Ste. Marie Tribe, was one of the first emergency shelters funded under Public Law 99-570, the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986. The home provides valuable services to troubled youth on our Reservation. However, due to inadequate funding for its construction and operation, the home is in drastic need of expansion and renovation. We ask that Congress earmark \$385,000 for this purpose.

After the 1986 Act was passed, our Tribe requested funding for one of the emergency shelter authorized by the Act. Our proposal ranked so high that we were among the first homes approved for funding. The BIA awarded us \$128,470 in grant funds, and we completed construction in 1989. The home has a capacity of ten children, with emergency placements of up to thirty days and residential aftercare for up to one year.

Deficiencies in space and design. Because of concerns about the size and design of our facility, we hired a consultant, EKM Inc. of Colorado, to evaluate both the performance and needs of the Endahyon home. With regard to performance, the consultant reported that the Tribe "deserve[s] credit for their efforts to develop a highly credible operation." We value this opinion highly, because this consultant has evaluated 31 of the BIA-funded homes.

Unfortunately, the consultant also concluded that the home suffers from serious problems related to size and design. These problems have already damaged our program and unless corrected, will do even greater harm.

The problems began with inadequate funding for construction. Obviously, the minimal grant we received did not permit construction of an elaborate facility. We were forced to use a modular unit for the home. This has left us with inadequate living space per child and minimal space for support functions such as food preparation, laundry and storage. Even worse, there is inadequate space for necessary group home activities -- individual and group counseling, other types of therapy, resident meetings, and the like. These functional limitations inhibit effective treatment for the youth.

Impact of the space problems on the residents; action needed. The overcrowding has numerous serious consequences for the Endahyon program. Among the consequences identified by the consultant are an increased rate of resident failure in the program; increased tension levels among the residents and houseparents; and difficulty in recruiting and retaining qualified houseparents.

Any one of these problems is serious -- combined, they drastically reduce the effectiveness of the program. Left uncorrected, they may destroy it completely.

The consultant concluded that simply changing the home's methods of operation will not resolve the problems -- renovation and expansion are needed. Needed actions include--

- addition of two new bedrooms and a bathroom for the residents;
- addition of separate living area for houseparents;
- addition of space for therapeutic and recreational activities;
- expansion of the dining room and kitchen;
- addition of office space for group home staff;
- addition of a security monitoring system to assist houseparents with supervision.

According to the consultant, the projected cost for renovation and expansion is \$385,000. This is money well spent, to better protect and serve both Indian young people and their families.

B. Additional Funding for Health Services (\$1.4 million)

We have informed Congress in past years of our problems with health funding. Our IHS funding is far lower than it should be in relation to what other tribes receive. The amount we receive per capita is only one-half of the average for tribes in the Bemidji area, and less than one third of what some tribes in the area receive. While Congress has directed IHS to correct this inequity, we are sorry to inform you that little progress has been made. The only solution is an earmarked appropriation to be made part of our permanent base funding. We are requesting \$1.4 million, which would still leave us well below the average level in the Bemidji area.

To review the situation, the Sault Ste. Marie Tribe was federally recognized in 1975. At that time there was no established method of providing fair funding for new tribes--unlike today, when new tribes such as Lac Vieux Desert receive reasonable allocations. Congress gave us a small amount, which has grown very slowly.

We received little benefit from the Indian Health Care Improvement Fund, which was distributed under the Health Services Priority System (HSPS). HSPS was based very heavily on utilization, not need, and our utilization was low because we offered so few services. This "Catch 22" left us as underfunded as ever. Recent increases for population growth have been distributed under a more equitable system, but this has done little to correct the overall situation.

While our funding has been fairly stagnant, our need has continued to grow. We now have 8,700 tribal members in our service area, 8,000 of whom use our services regularly. We are so underfunded that we could only pay for 500 days of inpatient care last year, compared to 2700 days that were needed. Our direct services budget is equally underfunded.

IHS has not followed the Congressional directive to increase our funding so that it compares with the rest of the tribes in the Bemidji area. The agency claims that it cannot afford to do so. While we believe that IHS could have done more than it has, we certainly agree that other tribes' funds should not be reduced so that ours can be increased. Given the current funding situation, the only alternative is for Congress to make a permanent increase in our base funding.

We are requesting \$1.4 million to bring our funding level to within 60 percent of the average level of service provided within the Bemidji area. We would use half of these funds for contract care and half for direct services.

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STATEMENT OF JAMES H. SCHLENDER, EXECUTIVE ADMINISTRATOR, THE GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION

AGENCY INVOLVED: BUREAU OF INDIAN AFFAIRS

APPROPRIATIONS REQUESTED: \$4,303,790 (includes base funding of \$3,152,000 for rights protection and \$175,000 for WI Joint Fisheries Assessments; and \$976,790 in requested add-ons)

SUMMARY OF FY 1994 FUNDING PRIORITIES

Priority 1: Total increase of \$363,140 for the following:
 Minnesota-expand wildlife management services in Minnesota's 1837 and 1854 ceded territories, \$78,824; and expand public information services to address misinformation regarding the proposed Mille Lacs agreement and the exercise of Chippewa off-reservation rights within the 1837 and 1854 ceded territories, \$63,140;
 Michigan-increase conservation enforcement services to Michigan's 1836 ceded territory, \$65,500;
 Wisconsin-to facilitate cooperative management by increasing funds for the Voigt Inter-Tribal Task Force and initiation of an Environmental Outreach Program, \$68,546;
 Lake Superior-increase fall whitefish and lake trout stock assessments, \$86,730 (benefits all three states);

Priority 2: Total increase of \$234,150 for the following:
 Lake Superior-expand spring population estimates for lake trout and staff an additional biologist to analyze field samples and data, \$113,150 (benefits all three states);
 Minnesota-increase funding for Fond du Lac's tribal court and registration stations, \$60,500;
 Michigan-increase funding for Bay Mill's tribal court and registration stations, \$60,500;

Priority 3: Tribal Courts-increase tribal court funding for adjudication of off-reservation conservation cases by \$440,000 (\$40,000 increase per tribe).

TOTAL GLIFWC FY 1994 APPROPRIATIONS REQUEST \$4,303,790

UNRESOLVED HUNTING AND FISHING RIGHTS EARMARK \$ 150,000
 (1836, 1837, 1842, and 1854 ceded territories)

Mr. Chairman, Members of the Committee, my name is James H. Schlender and I am the Executive Administrator of the Great Lakes Indian Fish and Wildlife Commission (Commission). On behalf of our thirteen member tribal governments, I would like to thank you for the opportunity to submit written testimony before you regarding our Bureau of Indian Affairs Fiscal Year 1994 Appropriation request.

There has been considerable controversy over exercise of treaty-reserved hunting, fishing, and gathering rights in northern Wisconsin, and growing controversy elsewhere. The Commission, with its staff of professional biologists, conservation wardens, and public education specialists, has been a constructive force during this controversy through its work to protect the region's natural resources and to assist its thirteen member tribes in forming cooperative partnerships with local, state, and community conservation organizations.

The situation in Wisconsin has stabilized, due in significant part to the Commission's ongoing programs. However, treaty issues are now coming to the forefront in other states as well. For example, the Mille Lacs Band and Fond du Lac Band currently are in federal court in an effort to reaffirm off-reservation rights in ceded territories located in Minnesota. The Mille Lacs Band has approved an agreement with the State of Minnesota to recognize and implement off-reservation treaty rights within the 1837 ceded territory. The agreement currently is being considered by the Minnesota State Legislature. These tribes will have greatly expanded needs for conservation enforcement, resource assessments, monitoring of tribal harvests, and tribal court adjudication of conservation cases.

To meet the growing needs of these and other GLIFWC member tribes, the Commission estimates an annual budget need of \$7,129,444 as compared to its current base funding level of \$3,327,000 (i.e. \$3,152,000 for rights protection and \$175,000 WI Joint Fisheries Assessments). Realizing federal budget limitations, the Commission is proposing an incremental approach to increasing its funding base and meeting the natural resource management needs of its member tribes.

For Fiscal Year 1994, the Commission's member tribes have identified three sets of needs for additional funding. The first priority needs, totaling \$363,140, are as follows. In Minnesota, the Commission proposes to expand wildlife management services in the 1837 and 1854 ceded territories at a cost of \$78,824, and to expand public information services in Minnesota at a cost of \$63,140. In Wisconsin, the Commission proposes a \$68,546 increase for the Voigt Inter-Tribal Task Force to participate in Wisconsin's Natural Resource Advisory Committees as defined under federal court stipulations as well as initiation of an environmental Outreach Program. In Michigan, the Commission proposes to expand conservation enforcement at a cost of \$65,500. In Lake Superior, the Commission proposes to expand fall stock assessments at \$86,730, an effort that will benefit all three states.

I would like to draw your particular attention to the situation in Minnesota, where anti-treaty activists have organized a campaign of public misinformation against our member tribes. These activists, aided by fringe anti-treaty groups from Wisconsin, are attempting to spur public protests and create an intense lobbying effort against treaty rights. Public rallies in St. Paul and meetings in local communities have already taken place, and additional activities are planned.

The "Wisconsin Experience" has shown that a pro-active approach to public information is essential to defeating misinformation and racist attitudes. The proposed public information efforts are essential if we are to avoid in

Minnesota the ugly confrontations that our member tribes experienced in Wisconsin only a short time ago.

For second priority needs, the Commission requests \$113,150 for research and assessments related to lake trout rehabilitation in Lake Superior, and \$121,000 to fund harvest registration stations and tribal court services for Bay Mills and Fond du Lac. The Commission's third priority request is an increase of \$440,000 to assist 11 tribal courts in adjudicating off-reservation conservation cases.

I would like to conclude my remarks by directing your attention for the need to increase the BIA's Unresolved Hunting and Fishing Rights line item with a \$150,000 earmark for future litigation and negotiation regarding Chippewa usufructuary rights in the 1836, 1837, 1842 and 1854 ceded territories. Tribal treaty rights in these areas have come to the forefront. Tribes need adequate funds to affirm their rights and to develop the regulations necessary to protect the resources. Funding this element also provides the opportunity for tribes to negotiate stipulations that shorten litigation and nurture cooperation.

Every element of the Commission's appropriations request this year will enhance its constructive influence on key resource issues, including maintenance of fish stocks, protection of wildlife, and enhancement of conservation enforcement. Support for the Commission's FY 1994 funding requests means support for a sensible, conservation-minded approach to treaty rights issues in the Great Lakes.

AGENCY INVOLVED: U.S. FISH AND WILDLIFE SERVICE

APPROPRIATIONS REQUESTED: \$422,063

SUMMARY OF FY 1994 FUNDING PRIORITIES:

- Establish Fisheries Assessment Satellite Offices at Lac Courte Oreilles and Lac du Flambeau to expand ongoing cooperative fisheries assessments with State, Federal, and local conservation organizations at a cost of \$221,898;
- Establish a Fisheries Assessment Satellite Office at Mille Lacs for the purpose of conducting walleye population estimates, completing angler harvest surveys within the Mille Lacs Treaty Fishing Zone, and undertaking habitat assessments on lakes with naturally reproducing walleye population stocks in the 1837 ceded territory in Minnesota at a cost of \$122,569;
- Establish a public information program to more effectively disseminate new information collected and analyzed cooperatively by Commission, State, and Federal biologists as a means to mitigate social conflicts caused by misinformation at a cost of \$77,596.

Mr. Chairman, Members of the Committee, my name is James H. Schlender and I am the Executive Administrator of the Great Lakes Indian Fish and Wildlife Commission (Commission). On behalf of our thirteen member tribal governments, I would like to thank you for the opportunity to submit written testimony regarding the U.S. Fish and Wildlife Service Fiscal Year 1994 Appropriations request.

Background for the requests. There has been considerable controversy over the exercise of treaty-reserved fishing rights in Wisconsin and growing controversy in Minnesota. The Mille Lacs Band has recently completed negotiations with the State of Minnesota to recognize and implement off-reservation treaty rights within the 1837 ceded territory, with the ratification vote scheduled by the state legislature this spring. Unfortunately, the effort by the tribe and state to come to an agreement has been met with strong, organized opposition by activists against treaty rights, including some non-Indian sportsmen. Further information concerning the opposition effort in Minnesota is included in the information package on the Commission's request, provided to this Committee under separate cover.

In 1991, the Commission performed a joint assessment on the status of Wisconsin's fishery resource with the State of Wisconsin and the U.S. Fish and Wildlife Service, in an effort to calm unfounded fears and mitigate racism. The report documented factual information regarding the health of Wisconsin's fishery resource and the impacts of Chippewa spearfishing activities occurring throughout the ceded territories with 2,300 lakes (25 acres or larger). The assessment determined that Chippewa spearfishing has not resulted in over-harvest.

However, the assessment found that Northern Wisconsin's fishery resources are dynamic and are stressed by many factors, particularly environmental degradation and harvest by all user groups. All parties agreed that "the fishery require(s) a continuation and further expansion of joint monitoring and assessment efforts" (Casting Light Upon the Waters, p.93). The Commission is proposing that Congress increase funding to expand this vital fishery survey work to compliment present efforts funded by the Bureau of Indian Affairs.

Fisheries assessment offices in Wisconsin. The Commission is proposing to establish, staff, and equip fisheries assessment satellite offices at Lac du Flambeau and Lac Court Oreilles at a cost of \$221,898. Providing tribal infrastructure with professional expertise, shocker boats, trucks, and computer systems will expand cooperative resource assessment efforts and compliment ongoing programs in the 1837 and 1842 ceded territories funded by the BIA.

Minnesota fisheries assessment project; public information effort. Having learned from our experiences in Wisconsin over the last 8 years, the Commission is proposing that Congress fund a Minnesota Cooperative Fisheries Assessment Pilot Project with a public information component. We are still at an early phase in Minnesota's treaty controversy. The Commission has found that public information, particularly at such an early phase, is essential in mitigating racism and promoting cooperation. To be effective, however, the information presented to the public must be factual and based upon sound science. This requires an investment in tribal infrastructure, including equipment and expertise.

The Commission is requesting supplemental funding of \$122,569 to equip a Commission fisheries biologist recently stationed at Mille Lacs and provide additional labor to assist in undertaking population assessments, entering field data into computers, and conducting habitat surveys.

To maximize the benefits of cooperative fisheries assessments to be undertaken, the Commission is proposing Congress provide \$77,596 to fund a public information component. The public information specialist shall be an important source of accurate information to address misconceptions and concerns of sportsmen.

Without the allocation of staff, equipment, and technical resources on a timely basis, it is highly likely that conflicts experienced in Wisconsin will repeat themselves in Minnesota. The Commission emphasized that this funding request does not duplicate, but compliments ongoing programs currently funded by the Bureau of Indian Affairs.

STATEMENT OF CALEB SHIELDS, CHAIRMAN, ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK INDIAN RESERVATIONS

The Assiniboiné and Sioux Tribes of the Fort Peck Indian Reservation, Montana are pleased to submit testimony to this Committee regarding the Tribes' funding priorities for FY 1994.

INDIAN HEALTH SERVICE

There is an overall need for an increase in the IHS budget. The total unmet need for the Fort Peck Tribes alone is \$4.25 million. This unmet need translates into real problems for our people and those of us in tribal government. It means simply that there are hundreds of sick people out there who are not receiving the health care they need. Many of these people are the very old and the very young; the people who can not afford to go without health care. We urge this Congress to provide increases for IHS that go far beyond inflation and the built-in increases such as pay costs.

DIALYSIS CENTER AND DIABETES PROGRAM

A particular concern to the Fort Peck Tribes is the Tribes' ability to address the alarming increase in diabetes among our tribal members. The Fort Peck Tribes operate the only tribally owned dialysis center in the country. Our facility serves not only tribal members, but the non-Indian community in northeast Montana as well. Our facility is overcrowded and in desperate need of expansion. The cost of expanding our facility is estimated to be \$2 million for a 20,000 square foot facility.

Recently, we have made great strides in increasing our diabetes prevention efforts on the Reservation. Nonetheless, the rate of diabetes on our Reservation is still increasing. Overall, we project that by the year 2000 there will be between 1,000 and 1,200 diabetics on the Reservation. If it is not treated, diabetes is a disease that kills people, slowly and without fail. It attacks and debilitates every system in the body. Fortunately, diabetes can be treated with a strict diet regime and in some cases medication. This type of treatment takes monitoring and outreach by our providers. Thus we cannot emphasize enough the need for this Committee to continue its strong commitment to increasing funds for diabetes prevention and treatment.

BUREAU OF INDIAN AFFAIRS

A. Education

1. Higher Education and Vocational Training

On the Fort Peck Reservation, we can only fund one-third of the applicants in our higher education and adult education training programs. To fund 80% of the applicants, we would need an additional \$500,000 for the higher education program and an additional \$150,000 in our adult

vocational training program. Failure to provide adequate funding for education programs will have severe consequences for the economic achievement, social and cultural development, and intellectual growth of the Indian people.

2. *Primary and Secondary Education*

Each year more of our children reach school age, yet the Johnson O'Malley funds have remained the same or decreased. The amount that each school receives from the JOM program for each eligible Indian student has decreased from \$105.67 in 1992 to \$99.38 in 1993, while the cost of educating these students has increased. This shortfall results in unmet needs throughout our primary and secondary education programs. These unmet needs result in high drop-out rates, and high unemployment rates for our Reservation, where the unemployment rate is already 46%. We request that the Committee increase the funding to the JOM program to at least match the FY 92 funding levels.

3. *Tribal Community Colleges*

Tribal community colleges play an integral role in the continuing education of our people. Due to the isolated location of many Indian reservations and the family commitments of Indian students, tribal community colleges are the only option for higher education. Because of the unique opportunities that tribal community colleges offer, the funds to this program need to be increased. On behalf of all the colleges we request a \$12 million increase for Title I, \$1 million to be maintained in the endowment, and \$1.8 million in new funds for facilities.

B. Social Services deficit.

We are once again facing a crisis in funding for social services at Fort Peck. We are projecting a deficit in the third quarter for all three components of social services -- General Assistance, Child Welfare, and Miscellaneous Assistance. The projected deficit for the year is \$440,000 -- over twenty percent of the established need. If additional funds are not provided, we will be forced to discontinue vital benefits and services to our people.

As you well know, these shortfalls in social service funding are a chronic problem that is usually resolved by last-minute, desperate appeals for funding. These programs serve the neediest families and also the abused children of our Reservation. The poorest of the poor should not be in constant danger of losing their means of survival. We ask this Committee to increase the allocation for social services to a level that will meet the documented need.

C. Add \$786,585 to minerals and mining for Fort Peck natural gas development.

The Tribes have completed a three-year minerals assessment partially funded by the BIA. The BIA's investment in our assessment has paid off -- we have discovered exciting potential for shallow natural gas development on our Reservation. The evaluation shows excellent potential for commercial development.

Now that the assessment of the resource is completed we are moving towards the development of the resource. Our ultimate goal is a joint venture with a private company to develop the gas. In order to achieve this, however, we need to drill test wells, present the prospect for oil exploration and shallow gas development to the energy industry, and continue to expand the current study by adding seismic data and soil samples from the area. The cost to move from the assessment phase to the development phase of the project is \$786,585.

This is an excellent opportunity for long range economic development at Fort Peck. The Tribes are committed to moving from the assessment phase to the development phase of this project and an appropriation of \$786,585 will enable them to do so.

D. Provide \$1 million in each of the next five years for a pilot land acquisition project to reduce fractionated interests.

We have a tremendous problem with fractionated land interests on our Reservation. The problem began, as you know, with the allotment of tribal land on the reservations. The allotment policy was a cultural and economic disaster for tribes and was repudiated in the Indian Reorganization Act. But we are still living with its effects. One of these is fractionation. The 1887

allotment act required that all of the allottee's heirs inherit a share in the land. Ownership has become more and more fractionated as the generations go on. These tiny land shares are not economically useful to the owners or the Tribes, and cost the BIA an enormous amount to manage.

A Briefing On Indian Land Ownership Fractionation, provided to the Select Committee on Indian Affairs two years ago, tells the story well. At Fort Peck alone, the BIA manages 3,702 fractionated tracts. Nearly half of these have more than ten owners. About 6500 different Indians own fractionated interests, and many of them own more than one. At Fort Peck alone, the BIA manages over 77,000 ownerships records of fractionated interests.

It costs the BIA \$50 million per year to maintain the ownership records. At least half of this amount is spent on interests that amount to 2 percent or less of the total tract. This does not even include the amount it costs the courts to determine inheritance of allotted land.

The Indian Land Consolidation Act of 1986 tried to resolve this problem. At Fort Peck, we adopted a land consolidation plan as authorized by the Act, but the funds have not been available to implement it. The Act provides that, with some exceptions, ownership interests of two percent or less escheat to the tribe after the owner's death. However, the problem is so great that even with this provision, interests of two percent or less have more than doubled since the Land Consolidation Act was enacted.

Federal funds are needed to speed up the process of reducing fractionated interests through land acquisition. Land acquisition will work, because the lands are available. At Fort Peck, we have applications for proposed purchase by the Tribes for 54,000 acres of land valued at over \$4 million. We are requesting \$1 million in BIA land acquisition funds for each of the next five years in order to purchase this and similar land. We suggest that this be regarded as a pilot project for the reduction of fractionated interests through land acquisition. We are confident that the project, if eventually implemented throughout the Great Plains, will show tremendous savings for the BIA.

STATEMENT OF DR. KARL N. REID, DEAN, COLLEGE OF ENGINEERING, ARCHITECTURE AND TECHNOLOGY

Oklahoma State University is a co-educational, multi-cultural, multi-dimensional, comprehensive institution committed to excellence in serving the needs of the State and the Nation. Oklahoma State University (OSU) requests the Committee's support of \$5 million in U.S. Department of Energy funding to complete the federal share of the construction of a 165,000 gross square foot Advanced Technology Research Center facility at OSU. The Advanced Technology Research Center facility is the top priority capital project at Oklahoma State University.

The new facility will allow OSU to consolidate and expand energy research, technology development and technology transfer activities now carried out in six (6) buildings, most of which are substandard, including a World War II Quonset hut! The Advanced Technology Research Center facility will house state-of-the-art laboratories, as well as seminar and conference rooms that utilize advanced telecommunications technologies.

The requested \$5 million in federal funds, together with \$7.3 million in previously appropriated funds from the U.S. Department of Energy, will finance approximately 40 percent of the cost of the project. The voters of the State of Oklahoma have already approved \$12.5 million in state matching funds for construction of the facility. An additional \$5 million will be provided from private sources to complete the \$30 million project.

Funds currently available will permit OSU to build a 165,000 gross square foot facility and fully complete 45 percent of the interior space. Until the additional federal funds are obtained, plans call for the remaining 55 percent of the interior space to be "shelled in." Approval of the final \$5 million in federal funding will permit completion of the interior space of the facility. The structure will provide approximately 105,000 square feet of net-assignable space.

Oklahoma State University, in conjunction with the State of Oklahoma, has long had a major commitment to energy research and technology transfer. Research has been underway for more than two decades in energy conversion, storage and conservation. Sponsors have included the Department of Energy, Argonne National Laboratory, Sandia National Laboratory, Oak Ridge National Laboratory, the

National Science Foundation, the Electric Power Research Institute, the State of Oklahoma, several utilities, and a number of industrial firms.

Current and recent research projects include: adsorption of methane on coal beds; phase behavior of crude oils and condensates; phase behavior and interfacial tensions in mixtures of solute gases and hydrocarbon liquids; slugging and fouling behavior of blended coals; thermodynamic and transport properties for continuous mixtures of petroleum liquids; hydrotreatment catalyst deactivation; digital analysis and geologic identification from the electromagnetic measurements in well bores; thermal response characteristics for building walls and roofs; performance of chilled water energy storage systems for large complex buildings; and ground source heat pump systems for improved energy efficiency of commercial and government buildings.

In addition to research programs, an extensive energy outreach program has been underway for the past several years. Two areas have been emphasized. First, under Department of Energy sponsorship, energy audits have been conducted in a large number of small and medium-sized industrial firms to determine their energy demand and costs. Sources of energy consumption have been identified and areas for profit improvement through energy management have been recommended.

The second outreach program involves ground-coupled heat pump technologies. In cooperation with four industrial firms, a major program in transferring these technologies to a wide variety of consumers has been underway for the past five years. The University also initiated and serves as manager of the International Ground-Source Heat Pump Association, an organization involving industrial participants from throughout the nation. Technology is transferred through printed publications and telecommunications. One recent day-long teleconference reached 25,000 people at 650 sites throughout the nation.

As part of its economic development strategy, the State of Oklahoma has recently increased its funding for energy research at Oklahoma State University in three areas of strategic importance:

- *energy conversion, storage and conservation* -- with special emphasis on enhancing the value of natural gas;
- *manufacturing and materials processing* -- with special emphasis on increasing the energy efficiency of manufacturing processes that consume large amounts of energy, on more energy-efficient methods for materials processing, and on the efficient development of materials such as plastics and composites which use natural gas as feed stock; and
- *clean coal technology* -- with special emphasis on blended coals and on adsorption of methane and methane mixtures on coal beds.

The motivation for such research is the realization that until an abundant and safe source of clean energy is found -- a situation not now in sight -- the prudent course is to practice energy conservation and to develop materials and manufacturing processes that make more efficient use of currently available energy resources. Solutions to the energy efficiency problems will also contribute to the economic competitiveness of products made with these materials and processes.

The urgency of expanding research in these areas is supported by the following:

- efficient use of energy in manufacturing not only reduces costs to improve economic competitiveness, but conserves fuel supplies;
- natural gas is the feed stock in the production of fertilizer that is so important to food production;
- natural gas is also an important ingredient in the production of plastics and synthetic materials that have become a part of many manufactured products that we will need both near- and long-term;
- natural gas is increasingly seen as the "environmental fuel", and as a transportation fuel of the future; and
- demands for heating and refrigeration require improved processes to reduce and thus stretch out demands on existing energy resources.

Oklahoma is the third largest producer of natural gas among the 50 states. OSU continues to need to expand its research in areas related to the optimum use of this precious and environmentally sound natural resource.

Because of the plentiful supply of high sulfur coal in Oklahoma, OSU wants to expand its research in clean coal technologies. Of particular interest are studies of the adsorption of methane on coal

beds as related to the optimum production of coal, and studies of blending of high sulfur and low sulfur coal to produce minimum slagging in combustion processes.

OSU also wants to expand its manufacturing research involving composite materials and plastics. This research is particularly important because these materials are increasingly replacing metals in applications such as aircraft and defense systems, automobiles and home appliances, and have shown promise as high-temperature superconductors. These materials not only utilize petroleum and natural gas as ingredients, but their formulation, blending, extruding and molding are all processes requiring significant energy input.

While expanded energy research is critical for Oklahoma and the Nation, it is likewise critical that the results of this research be transferred more quickly into useful products and processes. OSU can point to recent examples of technology transfer to industry from our energy research and technology development. For example, a new manufacturing process has been developed for producing impellers for downhole oil pumps which reduces both energy and cost of production by 90%.

Another example of significant technology transfer involves research in the processing and handling of materials in a continuous, flexible, strip form -- or webs. The Web Handling Research Center (WHRC) at Oklahoma State University is the only center of its type in the world, and it is one of fifty two National Science Foundation Industry/University Cooperative Research Centers. The WHRC has provided technical assistance to paper and plastic film products manufacturers throughout the nation. This Center is cooperatively funded by eighteen national firms including DuPont, Eastman Kodak, Kimberly-Clark, 3M, Mobil Chemical and Polaroid. Through application of Oklahoma State University research findings, the WHRC sponsors have been able to make significant improvements in their manufacturing processes and machines. The result has been a more consistent product quality and higher margin of profit. OSU's goal is to develop ways to significantly reduce energy consumption in the manufacturing and processing of web materials.

Mr. Chairman and members of the Subcommittee, OSU wishes to further strengthen and expand its efforts in these areas of strategic importance to the economic vitality of the State of Oklahoma and the nation by completing the federal funding of the Advanced Technology Research Center facility at OSU.

Thank you for your consideration of this request.

STATEMENT OF SCOTT SUTHERLAND, DIRECTOR OF FEDERAL RELATIONS, DUCKS UNLIMITED, INC.

As the largest waterfowl habitat conservation organization in the world, Ducks Unlimited asks that this letter be accepted by the Senate Interior Appropriations Subcommittee as DU's official statement on behalf of fiscal year 1994 federal funding for the Interior Department and the U.S. Forest Service.

Like his predecessor, our new President has recognized the value of supporting the North American Waterfowl Management Plan through a variety of items. We support the President's request for \$14 million in appropriations for the N. American Wetlands Conservation Act, but would prefer to see the Act funded at the full authorized level of \$15 million. The Act's tremendous success story has progressed steadily since enactment. The program now has over 215 wetland conservation projects underway across the continent. The 1:1 non-federal match required by law has been far exceeded; the non-federal match is 2:1. For every dollar you give the program, we partners will turn it to three! Hundreds of partners: corporate, private and all levels of government are still joining to do these projects. Please help us continue.

The budget also requests reinstatement of funds necessary to do other work relating to the North American Plan. These two \$500,000 cuts (one in Migratory Bird Mgmt. Office and another spread across the regions) caused damage to migratory bird population surveys on the wintering end of the migration routes in the southern U.S., and in the ability to manage the joint venture areas. Without complete scientific information and management ability, data is incomplete and small mistakes become

easier to make. This causes loss of time and sometimes less than optimum gains for dollars invested. Reinstating these funds is really an investment to assure much larger returns.

The Get Wild partnership, specifically "Taking Wing," is another piece of the path to success for the North American Waterfowl Management Plan. From our past year's testimony, you know that DU supports the Forest Service's work on their lands both financially and with technical guidance. We are not the only group investing privately raised funds for the Get Wild partnerships and a lot of the projects are non-game related. Adding \$3 million dollars on top of the Administration's number will allow more of these "double your money" type partnership projects to be done.

Finally, we wish to strongly support additional funding for our good partners, the good partners of many organizations involved in fish and wildlife issues, the National Fish and Wildlife Foundation. Their excellent track record of abundant returns on the federal investment speaks for itself. This worthwhile organization has remarkable accomplishments in so many areas, both programmatic and geographic that we implore the committee to increase the Foundation's funding.

Mr. Chairman, DU thanks you and the Subcommittee's previous support of the North American Waterfowl Management Plan program and for this opportunity to express the views of our organization. If I can provide you with any additional information regarding these matters, please do not hesitate to have your staff call upon me.

STATEMENT OF DR. KENDALL BAKER, PRESIDENT, UNIVERSITY OF NORTH DAKOTA

DOE/EERC COOPERATIVE AGREEMENT ON LOW-RANK COAL RESEARCH

The University of North Dakota (UND) is requesting \$3.0 million in FY94 for the base program and \$5.0 million for the joint venture program of the Department of Energy (DOE)/Energy and Environmental Research Center (EERC) Cooperative Agreement. The EERC, since its defederalization in 1983, has taken the leading research role on U.S. low-rank coals, lignite and subbituminous, for the U.S. DOE under the DOE/EERC Cooperative Agreement. In addition, the EERC is a national leader in a number of other energy and environmental technologies, including biomass fuels, waste disposal and utilization, contaminant cleanup, and groundwater assessment. The major portion of the work performed under the Cooperative Agreement is devoted to joint venture projects, supported at least 50% by matching private funds, for developing and commercializing ultraclean and efficient technologies for coal. To date, 48 joint venture projects with 55 nonfederal clients have matched \$7.7 million in DOE support with \$8.1 million in private funding. The base component of the agreement, not requiring matching, is devoted to fundamental scientific and engineering principles guiding the development of future technologies. This base is an essential program component that is not sustainable under near-term industry support. The base and joint venture components must work together to fulfill the need for a national technology base program in support of a vast low-rank coal resource.

BACKGROUND

The Energy and Environmental Research Center in Grand Forks, North Dakota, prior to its defederalization, was one of three federal coal research centers in DOE reporting to the Assistant Secretary for Fossil Energy. As a federal field center, the Grand Forks laboratory performed both on-site research and off-site program direction within an assigned lead mission area, working in cooperation with two other energy technology centers in Pittsburgh, Pennsylvania, and Morgantown, West Virginia, which have retained their federal status. The Grand Forks center was assigned the resource lead mission of low-rank coal applications based on the 1975 Field and Laboratory Utilization Study, recognizing the center's history of research on western coals under the U.S. Bureau of Mines ever since the center was established under Public Law 454 in 1948.

On April 1, 1983, the Grand Forks center was transferred from the U.S. DOE to the University of North Dakota for the purpose of increasing its flexibility to "... provide R&D

services to a wide spectrum of potential users, rather than being dedicated exclusively to and funded exclusively by the Federal Government." The DOE report to the Appropriations Committees of the U.S. Congress on December 30, 1982, further stated that:

"This transfer is being accomplished under a policy of the Department of Energy which seeks to foster cooperative efforts with nonfederal entities for the purpose of encouraging the development and use of advanced energy technologies, facilitating transfer of technical information to potential users, and maximizing the effectiveness of the federal research investment In order to further (this) policy, the Department has sought to develop an alternative approach to utilizing this center in support of national energy R&D needs."

This objective has been fully achieved by doubling the research staff, reducing DOE's share of funding from 100% to about 40%, and performing services for over 300 nonfederal clients since defederalization, including over 30 overseas clients in Eastern and Western Europe, Australia, and Pacific Rim countries. Other measures undertaken by DOE to continue the low-rank coal mission included establishing a DOE project office in Grand Forks to direct research on low-rank coals and initiating the Cooperative Agreement for continued on-site research at the center. The Grand Forks Project Office, unlike the Laramie Project Office for oil shale and underground coal gasification which has maintained its federal status for ten years, was understood to be transitional, and its functions were integrated into the remaining federal coal centers in 1986, with the concurrence of the defederalized Grand Forks center. The Cooperative Agreement was continued as a commitment by DOE to maintain an identifiable focus on low-rank coal and other carbon-based fuels research that would fulfill the defederalization objective of bringing together a strong alignment of government, industry, and university forces to address energy and environmental problems.

THE NEED FOR A NATIONAL LOW-RANK COAL PROGRAM

The Extent of the Resource and the Low Cost of Recovery. The need for the Low-Rank Coal Program stems from the 220 billion tons of economically recoverable reserves of lignite and subbituminous coals in the lower 48 contiguous states and an estimated 5 trillion tons of primarily subbituminous coal resources in Alaska. These coal resources, representing hundreds of years' supply, totally eclipse domestic oil and gas resources and make the western U.S. and Alaska the Saudi Arabia of coal. Coal prices in leading western coal-producing states have recently averaged between \$8 and \$10 per ton at the mine, reflecting very low costs for surface mining with full mine land reclamation. Prices for eastern bituminous coals are typically three times higher on a tonnage basis, or about two times higher on an energy basis. Low-sulfur western coals presently play a large role in allowing electric utilities to meet environmental standards under the 1990 Clean Air Act Amendments at reasonable cost. In the future, these low-rank coals will provide the very lowest-cost source of fuel and raw material for high-efficiency power systems, alternative transportation fuels, and nonfuel carbon products.

Distinctions in Relation to Eastern Bituminous Coals. Low-rank coals are physically and chemically very different from geologically older bituminous coals found in the central and eastern U.S. and require distinctly different practices in their handling and utilization. The need for a separate research focus to address the unique problems and opportunities of these special coals has long been recognized, starting with the early work of the U.S. Bureau of Mines and continuing today in DOE and overseas research centers. In the U.S., there has been a historic imbalance, with the main thrust of federal R&D directed toward bituminous coals because of their proximity to eastern and midwestern population centers and the challenge of continuing to utilize these typically high-cost high-sulfur resources. However, utilization is shifting toward low-cost low-sulfur low-rank coals, which have increased their market penetration from 2% to 40% over the past 25 years and are continuing to gain. Realization of the full potential of this low-cost domestic resource in support of national economic, environmental, and security goals deserves increased attention in future research budgets to address diversified uses in full compliance with all necessary environmental requirements.

Utilization Properties of Low-Rank Coals. Properties that especially need to be addressed in emerging clean coal technologies, alternative fuel processes, and environmental control systems include 1) higher moisture and lower heat contents that add to transportation cost, limit marketing area, and increase material handling and equipment size; 2) dust and spontaneous heating that increase with drying and require special attention in handling and processing; 3) molecularly dispersed ash constituents affecting cleaning, processing, emissions, and residuals—including potentially hazardous trace elements; 4) lack of swelling and softening upon heating that allows free flow, mixing, and reaction at high temperatures; 5) high chemical

reactivity at relatively low temperatures, allowing development of low-intensity processes at reduced cost; and 6) unique ash chemistry in combustion and gasification systems affecting slag viscosity correlations, ash deposition mechanisms, materials corrosion, and the release of volatile alkalis that adversely impact gas cleaning and turbine equipment.

OPPORTUNITIES FOR RESEARCH THAT MAKES A DIFFERENCE

Fundamental issues of energy and the environment having to be faced by government and industry cannot be resolved with all parties remaining in their comfort zone of accustomed ideas and reactive rhetoric. Some things must change if natural resources are to be used more wisely to resolve interlinking regional, national, and global problems of population, pollution, and economics as we enter the 21st century. Science and technology have lost some of their public esteem because they cannot provide painless remedies that avoid difficult choices in public policy. However, it is essential to recognize that wise choices on fundamental questions of resource allocation and taxation, sustainable growth, energy efficiency, technological development, environmental protection, residuals remediation, global warming allegations, and many other pressing policy and business issues cannot be made without a scientifically based understanding of the choices and consequences that shape our opportunities. In the broadest sense, it is the business of research to provide that essential understanding and to shape practical solutions that meet our attainable needs rather than our wishes.

Within this broad context, the base program of the Cooperative Agreement is the cornerstone of scientific and engineering excellence that guides both technical development and policy choices enabling wise and full development of our carbon-based resources. The jointly sponsored research program (JSRP) is the stepping stone that thrusts fundamental insights into the commercial world, leading to integrated scientific solutions to real-world problems. Of necessity, given limited resources, this process is selective. The current agreement targets those topics we believe are the most pressing:

- Resource characterization and residuals remediation within the geochemical framework of the resource setting, including a focus on sulfur and trace element forms in coal and their implications to processing, waste reuse or disposal, and groundwater protection.
- Air quality assessment and control focused on air toxics, addressing generation and control of fine particulates, toxic trace elements, and volatile organic carbons causing potential impairment of human health.
- Studies on advanced power systems determining those interactions of fuel and material properties with process conditions that limit the development of ultraclean and efficient electric generating systems.
- Advanced fuel forms and coproducts fitting within the framework of future coal refineries that will use low-rank coals as a raw material for producing stable and clean solid fuels, alternative transportation fuels, and high-value-added carbon products.
- Work on policy and systems analysis and strategic planning has not been supported within the available Cooperative Agreement funding. This function is important to make the overall effort relevant to both technological development and public policy.

NATIONAL ALTERNATIVE FUELS LABORATORY

PROJECT SYNOPSIS

The University of North Dakota (UND) requests \$2.0 million in FY94 for the National Alternative Fuels Laboratory at the Energy and Environmental Research Center (EERC). Establishing the validity of the environmental benefits of alternative fuels is critical to their continued use and the future of the alternative fuels industry. Here the National Alternative Fuels Laboratory (NAFL) can make an important contribution. The NAFL program, begun in 1988 with the support of the U.S. Department of Agriculture, is part of the UND EERC in Grand Forks, North Dakota. In order for the EPA to develop effective environmental rulings, the necessary scientific data must be available. The mission of the NAFL builds on that of the existing Auto/Oil Air Quality Improvement Research Program providing

the necessary, objective data needed by regulators. The NAFL has been asked to take on the role of an "underwriters' laboratory" for reformulated and biomass-derived fuels.

The National Alternative Fuels Laboratory (NAFL) program at the University of North Dakota's Energy and Environmental Research Center (EERC) in Grand Forks, North Dakota, was begun in 1988 with the support of the U.S. Department of Agriculture to generate scientific answers addressing concerns over domestic environmental and energy issues. As a result, the NAFL has since been asked to take on the role of an "underwriters' laboratory" for reformulated and biomass-derived fuels.

Some of the principal NAFL activities to date include:

- A national chemical survey of gasolines.
- A study of the effect of farm storage on ethanol and nonethanol fuels.
- Chemical studies of the effect of gasoline components on fuel volatility.

To achieve these results, we have developed new methods for fuels analysis and reduction of the related data and produced methods to allow interlaboratory comparative analyses of research results.

The ongoing debate over the Clean Air Act Amendments of 1990 makes it imperative that work be expanded to gather technical data on alternative fuels. The NAFL has been working with area agricultural groups such as the American Coalition for Ethanol (ACE) and the North Dakota Grain Growers Association to provide information on the many complex issues surrounding ethanol in gasoline. The Governors' Ethanol Coalition, New Uses Council, and the National Corn Growers Association are some of the organizations who have asked us to present our findings, and they continue to work with us, to keep the information flowing.

Closer to home, our state's Alternative Fuels Task Force has decided to focus initially on biodiesels, compressed natural gas, and ethanol. The NAFL is working with various agencies throughout this region to provide technical information and guidance as we embark on reducing our state's dependency on foreign energy imports. In this respect, concern over our reliance on foreign energy and the realization of the need to develop our domestic energy resources is not a local issue—this concern is shared by us all.

Recently, the NAFL was asked to submit a research proposal to the National Corn Growers Association (NCGA) to investigate the effect of ethanol denaturant on gasoline Reid vapor pressure (RVP), a widely used measure of fuel volatility. Astutely, the NCGA wanted the data to be acceptable to the Environmental Protection Agency (EPA). However, there were no established protocols to accomplish the work. Building on prior contacts with the EPA, we were able to rapidly develop a protocol that exceeded, as we were told, the level of prudence the EPA would itself exercise. The success of Dr. Gerald Groenewold, the EERC director, and his staff in accomplishing this goal is a prime example of the ability of a trusted, independent laboratory to join together principal interests in the important field of alternative fuels. Just last month, in February 1993, this research received a vote of confidence from the 19-member Governors' Ethanol Coalition.

Establishing the validity of the environmental benefits of alternative fuels is critical to their continued use and the future of the alternative fuels industry. Here, the NAFL can make an important contribution.

The NAFL continues to build, maintain, and expand the knowledge base on alternative fuels with detailed analyses of biomass-derived, renewable transportation fuels sold throughout the United States. In doing so, we wish not only to support domestic alternative fuel sources, such as ethanol, but also to improve the environment.

In fact, the mission of the NAFL builds on that of the existing Auto/Oil Air Quality Improvement Research Program. In order for the EPA to develop effective environmental rulings, the necessary scientific data must be available. To further facilitate this, the NAFL has initiated discussions with NREL, the National Renewable Energy Laboratory. We feel our program is highly complementary to the work being performed at NREL. We hope to develop soon a free and open exchange of laboratory data and other information between our organizations that will be available to all.

The Energy and Environmental Research Center at the University of North Dakota is in a unique position to contribute to the monitoring, evaluation, and development of biomass-derived fuels and domestic energy resources and to address associated environmental concerns by building on our superb history of working with government regulators, industry, and state agencies.

Our current NAFL activities include:

- The continuation of an active fuel testing program.
- Studying the effects of ethanol denaturant on gasoline RVP.
- Strengthening our educational participation (e.g., Governors' Ethanol Coalition, North Dakota Alternative Fuels Task Force, ACE, and others) and our relations with regulatory agencies (e.g., EPA).
- Increasing the public awareness of developments in the area of alternative fuels through peer-review publication of technical activities.

These activities address, in part, the demand for scientific data that exists within the alternative fuels debate. With our current level of USDA support of \$250,000 per year, we feel that the NAFL has provided unrivaled service in generating objective, scientific results. At the same time, it has rapidly become apparent that more work is needed. Expanding the NAFL to address the current and future questions surrounding the use of alternative fuels will require additional federal support.

Our future plans include:

- Investigations into climatic, geographic, and urban influences on gasoline RVP.
- Development of a regional, cold weather, full chassis dynamometry center at UND.
- The design of a "portable" test engine for cold-start emissions studies.
- Continued development of protocols for sampling of alternative fuels for testing.
- Investigations into optimizing the use of alternative fuels (e.g., ethanol blends > 10%).
- Continuing as an advocate for a national science advisory panel on alternative fuels to respond to informational needs of the government, industry, and the private sector.

The expansion of the program to \$2.0 million a year could accomplish these goals. This plan would include provisions for cost sharing and CRADAs (cooperative research and development agreements) to promote industry participation while being balanced to allow the smaller interests within the alternative fuels arena to advance their ideas.

The future for alternative fuels is bright. However, we still need to keep our eye on the main goal—a cleaner environment. What is the best way to reduce pollution? Our solutions must be effective, economical, efficient, and expedient. That is what our work at the NAFL is all about.

**Quentin N. Burdick American Indians in Psychology Project
University of North Dakota, Psychology Department**

The University of North Dakota (UND) appreciates the opportunity to submit testimony regarding appropriations to Section 213 American Indians in Psychology Project of the Indian Health Care Improvement Act of 1992. We are seeking an allocation of \$750,000 in FY94 for the initiation of the Quentin N. Burdick American Indians in Psychology Project. The purpose of this project is to improve the quality and relevance of mental health services available to American Indians by increasing the number of American Indian psychologists. The University of North Dakota has a long-standing commitment to American Indian education and houses other Indian Health Service programs aimed at increasing the number of American Indian physicians and nurses. Because of this commitment, the presence of programs in nursing and medicine, and the strength of the professional training program in clinical psychology the University of North Dakota was selected in a competitive process as the best institution for implementing a program in mental health. This process was coordinated by the American Psychological Association.

The Need for an American Indians in Psychology Project

The mental and behavioral health problems confronting American Indians are well-documented and devastating. According to the Indian Health Service's "Trends in Indian Health - 1992," the age-adjusted death rate for suicide is 1.5 times the national average (over 3 times for young adult males), for homicide the age-adjusted death rate is 1.9 times the national average, and for alcoholism the age-adjusted death rate is 4.9 times the national average. Furthermore, indicators reveal that the use of other drugs such as cocaine and marijuana is dramatically increasing among American Indian youth. Finally, according to testimony delivered by Dr. Everett R. Rhoades (past Director of the Indian Health Service) in 1990 to the House Committee on Interior and Insular Affairs the prevalence of "child abuse and other forms of family violence in many Indian communities may be far more common than previously known." Despite the well-documented mental health needs of American Indians, quality, relevant mental health services are rarely available. For example, a site visit by the American Psychological Association in 1991 to the Bemidji, Minnesota IHS service area revealed woefully inadequate mental health services. A major problem in providing these services in an appropriate manner is the lack of American Indian mental health professionals. For example, out of approximately 68 Indian Health Service psychologists only 7 are of American Indian background. Furthermore, in 1988 the American Psychological Association recently reported that of 66,996 doctoral-level psychologist members only 30 members were of American Indian background. Thus, there was only 1 American Indian psychologist for every 56,000 American Indians residing in the United States (Trimble, 1991). Current estimates indicate that if anything the ratio has worsened.

Proposed American Indians in Psychology Project

The Quentin N. Burdick American Indians in Psychology Project at the University of North Dakota proposes to develop and provide an educational pipeline commencing at the elementary educational level and concluding at the doctoral level. The proposed program's aim would be to recruit, retain, and train American Indians in the field of mental health and the profession of psychology through a three-tier strategic plan.

Tier I: Early Career Recruitment and Development.

The goal of this tier would be to promote awareness among American Indian youth of career possibilities in the field of mental health and to instill in such youth an interest and desire to pursue a career in psychology.

The objectives of this tier would be to: a) develop culturally relevant instructional and promotional materials, b) establish and maintain collaborative relationships with elementary/secondary schools and tribal colleges, c) provide career presentations in a culturally relevant approach to American Indian students, and d) offer, in conjunction with tribal colleges, summer programs aimed at promoting students' awareness of the field of psychology and careers in mental health.

Tier II: Achieving the Baccalaureate Degree & Preparing for Graduate Study.

The goal of this tier would be to recruit, retain, and graduate American Indian students with a bachelor's degree in psychology (or other mental health profession).

The objectives of this tier would be to: a) develop and maintain collaborative agreements, programs, and transfer curricula with various tribal community colleges, b) develop and implement effective recruitment strategies for increasing the number of American Indians in psychology and other mental health professions, c) integrate available, and develop profession specific, social, emotional, and academic support for American Indian students, d) develop and provide culturally relevant curricula for American Indian undergraduates, and e) provide programs to facilitate and prepare American Indian undergraduates for entry into graduate training in mental health programs (with an emphasis and priority on clinical psychology).

Tier III: Graduate Study in Psychology.

The goal of this tier would be to recruit, retain, train, and graduate doctoral American Indian students in psychology.

The objectives of this tier would be to: a) develop and maintain collaborative agreements with undergraduate departments of psychology, b) develop and implement effective recruitment strategies for increasing the number of American Indian students entering graduate programs in psychology, c) establish appropriate admissions criteria for American Indian students, d) to hire American Indian psychology faculty to act as mentors and to provide supervision and training to American Indian students, e) develop and maintain practicum training placements within rural reservation settings (e.g., Indian Health Service settings), f) develop and provide culturally relevant curriculum for American Indian students, g) develop profession-specific social, emotional, and academic support for American Indian students, and h) integrate the Quentin N. Burdick American Indians in Psychology Project into the overall training program and philosophy of the UND Department of Psychology.

Program Goals

The success of the INMED (Indians in Medicine) and RAIN (Recruitment & Retention of American Indians in Nursing) programs at the University of North Dakota has been well-documented. The INMED program has existed for 20 years and has been responsible for over 22% of the American Indian physicians practicing in the U.S. today. There is no doubt that given adequate funding the American Indians in Psychology Project could be just as successful. Our current goal is to admit 5 American Indian students each year into the Ph.D. program in clinical psychology beginning in the Fall of 1994. Therefore, by the year 2000 there should be 10 American Indian Ph.D. clinical psychologists graduated with 5 additional graduates in each of the following years. In addition, by the year 2000 we expect to have generated sufficient interest among and opportunities for American Indian youth that there will be a dramatic increase in the number of American Indians applying for and graduating from other clinical psychology programs as well as other professional programs in mental health (e.g., counseling, social work). In sum, we are seeking an allocation of 750,000 for fiscal year 1994 to support the Quentin N. Burdick American Indian in Psychology Project of the Indian Health Care Improvement Act of 1992. Funding allocation will permit the project to meet the goal of increasing the availability of quality mental health services to American Indians by greatly increasing the number of appropriately trained American Indian clinical psychologists.

NATIONAL MINE LAND RECLAMATION CENTER—WESTERN REGION

The University of North Dakota (UND) requests \$2.0 million for FY94 for the National Mine Land Reclamation Center. The Energy and Environmental Research Center (EERC) at UND houses and directs the western regional research program for the National Mine Land Reclamation Center, headquartered at West Virginia University. The western region program encompasses the entire western U.S. beginning at the eastern edge of the Great Plains and focuses on reclamation issues critical to the west. Societal demands upon the earth have increased as a result of activities focused on energy exploration, coal mining, metal mining, uranium mining, oil and gas production,

agricultural production, reservoir construction, and real estate development. Recognition that human impacts dominate many landscapes and overwhelm their carrying capacity has inspired improved land stewardship and a desire to reclaim disturbed lands. We have learned that for reclamation of disturbed lands to be successful, we must understand and appreciate the interrelationships between climate, topography, geologic materials, the water flowing through them, and the biota supported in that setting prior to disturbance so that redistribution of disturbed earth materials can be accomplished in a manner that will take advantage of, and stimulate, naturally occurring processes.

The EERC's research program continues to develop and apply practical understanding and techniques for successful management of disturbed lands. The program is built on reclamation research conducted over the past 15 years by EERC personnel and complementary expertise of other regional universities. The program includes characterization of disturbed lands, development and assessment of reclamation techniques, evaluation of the effects of mine land reclamation on groundwater and vegetation, and management of disturbed lands. The research program has provided an extensive database for abandoned and reclaimed mine lands in a wide variety of settings, particularly in the northern Great Plains. Specific research topics include surface and root zone hydrology of mine lands, groundwater movement and chemical evolution from the root zone to the water table, stabilization of underground mine voids, long-term management strategy for disturbed lands, desirability of reclamation at certain abandoned mine settings, and waste disposal in mine land settings.

This request is for continuation of funding at the level of \$2.0 million for the national program, of which \$500,000 would be designated for the western region. Current national funding is \$1.5 million, with \$400,000 designated for the western region. This research program is extremely significant for western states because previous coal mine reclamation in the U.S. was governed by federal statute which was largely designed to address eastern U.S. coal mine reclamation issues, which are significantly different from those in western coal fields. Another uniquely western issue is providing for the reclamation of disturbed lands resulting from extensive metal and uranium mining activities, the legacy of which is a human health and environmental issue of immense proportions.

STATEMENT OF RICHARD E. DAHLBERG, ON BEHALF OF THE AMERICAN CONGRESS ON SURVEYING AND MAPPING

On behalf of the American Congress on Surveying and Mapping (ACSM) and the American Society for Photogrammetry and Remote Sensing (ASPRS), we appreciate this opportunity to submit our views before the Senate Interior Appropriations Subcommittee for fiscal year 1994 relative to the U.S. Geological Survey (USGS) National Mapping Program.

ACSM and ASPRS are professional, scientific, and educational associations representing a combined membership of over 15,000 individuals engaged in surveying, cartography, geodesy, photogrammetry, remote sensing, and geographic and land information systems technology.

We would like to bring to the subcommittee's attention a funding concern related to the USGS National Mapping Program. The proposed fiscal year 1994 budget contains \$3 million in the USGS national map and digital data activity for production of large-scale digital orthophoto map products. We respectfully request the subcommittee's support for an increase of \$9 million in this activity for production of digital orthophoto map products, particularly in view of the widespread application of these maps as a fundamental data-base reference layer in geographic and land information systems technology.

Rationale and Benefits of Increased Funding in Fiscal 1994

During the past ten years, we have witnessed an explosion in the use of geographic information systems (GIS) by federal, state, and local governments and the private sector. GIS, essentially computer mapping, provides a more effective way to integrate different layers of geographic information. This information can

be stored, analyzed, managed, and used for decision-making purposes. The emergence of geographic and land information systems technology has created an increased demand for the country's geographic information in computer-readable form.

Large-scale digital orthophotoquads supply the essential base cartographic data necessary to provide the framework upon which all other spatial data are registered in a GIS. This fundamental data set is required by most federal and state agencies for GIS analysis.

Digital orthophotoquad (DOQ) mapping will provide the flexibility to meet present and future mapping requirements that depend on a variety of geographic data layers, such as infrastructure, soils, wetlands, farm and field boundaries, mineral deposits, cadastral information, oil and gas field locations, transportation networks, endangered species, and other natural resource-related information.

With present funding levels of \$3 million for DOQ production, the USGS can only meet less than ten percent of its requirements for large-scale digital orthophoto data.

Unless funding for USGS DOQ production is increased annually to meet requirements, many agencies will wind up collecting their own base cartographic data to meet legislated demands for geographic information. These project-specific data usually lack quality assurance and standards to allow multipurpose use and availability through a national data base. The results will lead to extensive duplication of effort by agencies, numerous data bases, incompatible and nonstandard data, and wasteful expenditures of federal dollars.

The benefits of increased funding for the USGS National Mapping Program to accelerate production of DOQs (\$12 million recommended for fiscal 1994) are significant. First, it would enhance coordination efforts through a national Digital Orthophotoquad Program managed by the USGS, rather than by individual agencies. A national program will avoid duplication of data collection by agencies through application of national standards, and allow multipurpose use of DOQs in the National Digital Cartographic Data Base. Second, funding for the DOQs is a federal/state cooperative effort, thus addressing similar needs, capturing base cartographic data more efficiently, and providing additional funding resources. Third, the USGS plans to contract with private-sector mapping firms in the output of these mapping products.

In addition to addressing an established need for large-scale digital orthophoto products, such efforts closely follow recommendations from the 1990 National Academy of Science report, Future of USGS National Mapping Program. It suggested that USGS "speed the creation of a National Digital Cartographic Data Base by increasing emphasis on work-sharing and cost-sharing programs."

Summary

ACSM and ASPRS enthusiastically support increased funding in the amount of \$9 million for the USGS national map and digital data activity for fiscal 1994. Despite congressional budget constraints this year, we strongly believe in the efficacy of our request because we understand GIS technologies, their multifaceted capabilities and the long-term benefits of building an integrated and current National Digital Cartographic Data Base, of which the DOQs are a crucial element.

In 1992, the Federal Geographic Data Committee (FGDC) endorsed the concept of a "Multi-Agency Proposal to Meet High Priority

Requirements for Digital Base Cartographic Data." The FGDC, established by the Office of Management and Budget in October 1990, promotes the coordinated development, use, sharing and dissemination of surveying, mapping and related spatial data. Fourteen federal departments and independent agencies are members of the FGDC. The FGDC proposal calls for a multi-agency approach whereby the data would be produced by a consortium of data producers and cooperators using common standards. The proposal's goal is to produce the digital base cartographic data sets required by federal agencies and other GIS users by the year 2000. The production of DOQs is a key element of the proposal. Increased annual funding for USGS DOQ production by your subcommittee would support this worthy endeavor.

Just as there is little doubt about the necessity of a national supercomputer high speed network advocated by Vice President Gore, the country needs to recognize the importance of a national information infrastructure through the use of GIS technologies. Establishing consistent, accurate, and current digital spatial data is essential to the use of GIS technologies.

To move in that direction, ACSM and ASPRS urge the subcommittee to support \$9 million in additional funding to be used for DOQ production. Thank you for your consideration of this proposal. Should you have any questions or need additional information, contact Nancy Parke, ACSM/ASPRS Government Affairs Director at 301/493-0200.

STATEMENT OF THE AMERICAN SOCIETY OF CIVIL ENGINEERS

The American Society of Civil Engineers (ASCE) strongly urges Congress to maintain adequate FY 1994 funding for the U.S. Geological Survey's surface water data collection and analysis activities. Further cuts in the Cooperative and Federal Programs would limit, unwisely, the nation's future ability to manage its precious water resources and could, in the long run, cost the nation more through over-built or inadequate water facilities. Cuts in this area would be a classic case of penny-wisdom and pound-foolishness. ASCE strongly recommends Congress provide funding to maintain current services in the Federal Program for Data Collection and Analysis and in the Federal-State Cooperative Program.

The cost of collecting water data is not great, but the impact of such data is immense and far-reaching. These data are critical to a wide range of activities including: reservoir operation; water quality and supply studies; water law court decisions; wastewater treatment discharges into streams; drainage structures for highways, bridges and culverts; flood insurance and management studies; detention pond studies for urban runoff control; planning and design of hydroelectric projects; water basin planning and investigation; forensic analysis; environmental impact analysis; and ice forecasting, jam and control studies. The need for complete basic water data is essential to proper engineering design. How can engineers devise optimum responses, and design the most cost-effective facilities, if they have incomplete and inadequate hydrologic data? The Federal cost of basic water data collection and analysis, approximately one-half the water resources investigations budget of the U.S.G.S., pales when compared to the cost of facilities which will be based on inadequate data, as well as to the potential loss of property and life that can occur if errors in design result from use of a faulty data base. The unusual weather patterns experienced by much of the nation in recent years underscore the importance of maintaining uninterrupted records. In California, for example, a dramatic shift from extreme drought to near record precipitation has occurred in recent months. It is vital that we capture these kinds of data.

Surface water data collection activities are carried out in the Federal Program and the Federal-State Cooperative Program of the U.S. Geological Survey's Water Resources Investigations Division (WRD). The final mark for Cooperative Program in FY 1993 was \$63.4 million. Because the Cooperative Program is funded on a 50/50 matching basis with the states, any Federal cut will be matched by the states. The Cooperative Program has, over time, evolved into the backbone of the nation's surface water data gathering network, and therefore Federal cutbacks should be strongly resisted. The Federal Program for Data Collection and Analysis received \$22.3 million for FY 1993, which was a cut of 2.9% from FY 1992.

As in recent years we expect to see a substantial increase in spending on the National Water Quality Assessment Program. However, we respectfully recommend this not be achieved by imposing further cuts in programs such as basic surface water data collection. Without challenging the Administration's likely plan to increase funding for studies of water quality, we must not forget the importance of maintaining the nation's water quantity data collection network.

The nations continuous streamflow recording stations are designed to be permanent in order to provide an absolutely reliable data record. In addition, the development of methods to better analyze hydrologic data will be curtailed by new cuts. A new round of cuts in FY 1994, particularly when considered with previous funding cutbacks, raises very serious implications. The number of continuous record gauging stations operated by the U.S.G.S. fell from 8,830 in 1980 to 7,300 in 1990, a 17% cut. Graphs based on U.S.G.S. information which reflect this downward trend are attached to my testimony.

The U.S. Geological Survey has used cost sharing arrangements with non-federal agencies to stretch further the Federal funds appropriated for water resource data collection. Whereas we believe complete Federal funding is the best way to ensure continuity of data collection over multi-decade time periods, cost sharing is a feasible and attractive alternative to reduced data collection. It should be noted, however, that in recent years, the states have been willing to spend considerably more than the Federal Government in the Cooperative Program for water data collection and analysis. Historically, from fiscal years 1983-1991, the amount of total state offerings expected to be matched by available Federal funds ranged from about 71 to 88 percent. In FY 1993 \$20 million in state offerings went unmatched by the Federal Government. The increased level of state offerings in the Cooperative Program is being driven by additional environmental mandates from the Federal Government.

We believe that the U.S.G.S. basic water quantity data collection activities are:

- 1) essential, because the value of hydrologic data increases with both the length and continuity of the record;
- 2) the logical responsibility of the Federal Government because the states cannot possibly assume the support and leadership role of U.S.G.S. for interstate water systems;
- 3) cost-effective, because coordinated water data collection eliminates overlapping and duplicative efforts.

Data analyses as well as research and development of new predictive techniques can be accomplished by innumerable public or private water-resource agencies, as the need arises, if the long-term basic data exists. If the data is lacking, no one,

including the U.S.G.S., can manufacture it. Accordingly, this activity must be one of U.S.G.S.'s highest priorities.

ASCE urges the Congress, at the very least, to reject any proposed cuts for U.S.G.S. surface water data collection activities in FY 1994.

The efficient annual expenditure of billions of dollars under The Water Quality Act of 1987 (P.L.100-4), The Water Resources Development Act of 1990 (P.L.101-640), and The Safe Drinking Water Act Amendments of 1986 (P.L.99-339), will be seriously undermined by cuts in basic water data collection. Reauthorization of the Clean Water Act could further strain limited resources.

AMERICAN SOCIETY OF CIVIL ENGINEERS

The American Society of Civil Engineers (ASCE), founded in 1852, is the oldest national engineering society in the United States. Membership, held by more than 110,000 individual professional engineers, is about equally divided among engineers in private practice; engineers working for Federal, state or local governments; and those employed in research and academia. The Society's major goals are to develop engineers who will improve technology and apply it to further the objectives of society as a whole, to promote the dedication and technical capability of its members and to advance the profession of civil engineering.

STATEMENT OF SHERRY DAWN RED OWL, DIRECTOR, TRIBAL DEPARTMENT OF EDUCATION, ROSEBUD SIOUX TRIBE

The Rosebud Sioux Tribe has identified education as the second priority for Fiscal Year 1994. Our programs serve over 4500 students in early childhood through post-secondary programs located on our reservation. We have identified unmet educational needs in excess of \$2 million.

Our Tribal Education Department was established in 1990 to enforce the Tribal Education Code. The Tribe has appropriated funds in the amount of \$250,000 over four years for the department from tribal revenues. These funds have been used for the development of the Code and the department, however the level of funding that the Tribe provides is insufficient to carry out the full implementation and enforcement of the Tribal Code of Education. Although the Tribe fully intends to continue funding the department at the historical level, we need federal funding to develop and implement critical portions of the Code. In particular, professional staff is needed in those areas addressed by the Code which impact student performance the most--attendance, curriculum, teacher certification, school accreditation, and parent education. Without federal dollars these critical tasks will not be accomplished and student performance will continue to suffer. Therefore, I am requesting a federal appropriation in the amount of \$225,500 for our Tribal Education Department.

Of foremost concern to our Tribe is sufficient funds to operate Sinte Gleska University, our tribal college. Appropriations center around funding for P.L. 99-488, "The Tribally Controlled Community College Assistance Act of 1978, as amended." We now request that Congress advocate for appropriations which provide funding of \$5,820 per student for Title I tribal colleges requiring approximately \$20 million in increased appropriations for a total of \$36 million in FY 94.

Sinte Gleska University, like its tribal college colleagues, has successfully developed an Endowment fund to help produce long-range

fiscal stability. Future growth of the SGU Endowment Fund depends heavily on the availability of matching funds. We therefore request that funding be established at a level of \$1,000,000 for the 1994 fiscal year.

We would like to request that funding for technical assistance to tribal colleges be increased to \$220,000; a sum which would provide for \$10,000 for each eligible tribal college.

In FY 90 tribal colleges requested appropriations of \$22.9 million for facilities construction purposes, including our stated need of \$2.5 million to complete the proposed Sinte Gleska University Education/Administration Building. These needs haven't changed. However, in the short term, we request an appropriation of \$2 million for emergency repairs at those tribal colleges where there exists serious facilities problems.

We would especially like to request the restoration of P.L. 93-638 funds awarded to Sinte Gleska University in 1973 per authority of the Snyder Act, to a funding level of \$400,000. These monies were removed from the tribal IPS budget by the BIA in 1980 only to be restored at the much reduced funding level of \$136,000.

The majority of our students attend public school district which rely heavily on Impact Aid funds for their basic operation and support. We are therefore requesting that Impact Aid appropriations be increased to their authorized level of \$935 million.

We continue to support increases in Johnson-O'Malley funding because in many of our public schools these funds provide the only culturally appropriate learning activities our tribal members receive. Historically, JOM has received little support from the Bureau of Indian Affairs and as such, funding levels have remained low. We are asking you to increase JOM funding levels to \$33 million in FY94.

Of major concern to the Tribe is the levels of funding for our post-secondary students. There is a grave need for increased funding in both the Higher Education Scholarship Program and in the Adult Vocational Training Programs. In the 1992-93 school year we were unable to assist over 100 eligible students due to lack of sufficient funding. Each year the number of students applying for assistance increase, while the funds do not.

The Tribe is also supportive of appropriations for ISEF funding for our tribal school. Our tribal school, St. Francis Indian School, has serious needs for expanded programs, however with the limited amount granted under the ISEF program we are unable to meet the needs of our tribal students.

I realize that these needs seem numerous. However, the future of our tribal nation and the development of our most precious resource, our children, remains in your hands. So in the spirit of our government to government relationship, we request that you give favorable consideration to our requests for your help in educating our children.

STATEMENT OF RENA CUSMA, EXECUTIVE OFFICER, METROPOLITAN GREENSPACES

The Metropolitan Greenspaces Program is one of two national demonstration projects whose purpose it is to develop new and innovative ways of preserving natural areas and wildlife habitat in metropolitan areas and utilizing them for educational and appropriate passive recreational activities while preserving their ecological values. It is a bi-state program coordinated by Metro in which over 60 governmental agencies, private non-profit organizations and businesses are working cooperatively to establish an interconnected web of natural areas, open space, trails and

greenways in the four-county Portland metropolitan area (Clackamas, Multnomah and Washington Counties in Oregon, and Clark County, Washington).

The Metro Council adopted a Metropolitan Greenspaces Master Plan for the three Oregon counties in 1992 and the Clark County, Washington Board of Commissioners is now deliberating on a parallel sensitive lands/open space program in fulfillment of provisions of their state-mandated growth management activities.

I. Metropolitan Greenspaces Program (continued funding through the U.S.Fish and Wildlife Service)
Request of \$950,000

A. Greenspaces Restoration

1. Wetlands and Riparian Corridors
2. Urban Nature Parks (inner-city locations)
3. The Garden Festival

Funds would be used to restore and enhance degraded natural areas including stream corridors, riparian zones, wetlands and greenspaces located in upland sites. Projects are designed to diversify wildlife habitat, improve water quality and natural water storage in watersheds within the region and directly involve residents in community enhancement. Currently, 32 restoration projects are being carried out in the four-county Portland/Vancouver region. The projects involve many civic and neighborhood groups, the youth conservation corps, "at-risk" youth, state local and federal governmental agencies and citizen volunteers. The \$450,000 in federal funds previously allocated to this program area has leveraged more than \$2,000,000 in non-federal funds.

Working closely with local agencies, non-profit and neighborhood groups in historically urbanized areas new small (two- to five-acre) nature parks would be created to reintroduce greenspaces to neighborhoods where they have disappeared. Projects would be selected, designed and developed through community partnerships. They are expected to be utilized extensively by neighborhood schools and can be an important building block for neighborhood revitalization in economically depressed areas of the region.

An effort would begin to plan and implement a "Garden Festival" which would restore a large degraded and derelict site (50+ acres) such as a former landfill or quarry into a regionally significant public open space/natural area. An end use plan for the festival site and adjacent lands will be coordinated to maximize economic development/urban redevelopment benefits to the region associated with the restoration.

B. Environmental Education

1. Educational Grants
2. Green City Data
3. Trip Into Nature

The focus of citizen education funding is to increase awareness of urban natural areas, develop and understanding of threats and preservation options, empower the public to become involved as citizens and community members who must help government make difficult choices. The Greenspaces Program works with school districts and other education providers, neighborhood groups, and resource agencies 1) to expand community knowledge about urban natural resources, 2) develop and seek ways to fund environmental education models that can be used at numerous greenspaces sites by a diverse body of students of all ages and socio-economic groups, 3) provide interpretive services to enhance understanding, protection and wise utilization of urban natural areas.

Through past support from the U.S. Fish and Wildlife Service, Metro has provided \$40,000 in small competitive grants, matched on a dollar for dollar basis with non-federal funds, for environmental education programs. Grant funds are used as a catalyst for pulling together cooperative efforts to understand, appreciate and protect urban greenspaces. Projects teach stewardship of lands and provide insights into the urban ecosystem, its plant, fish and wildlife habitat characteristics, and other ecological values. Interdisciplinary ecology programs that promote public responsibility,

involvement, stewardship and civic action are encouraged. A balance of projects that are sensitive to learning styles, diverse in their activities and good platforms for cooperative learning is sought in award of the grants.

The Green City Data project engages high school and middle school students geographically distributed throughout the four-county metropolitan area in the inventory and monitoring of key natural areas. The commitment and involvement of youth in the Metropolitan Greenspaces effort through hands-on, relevant educational programs will be critical to community stewardship of and long-term success of the system of natural areas in the Portland, Oregon - Vancouver, Washington metropolitan area. Goals are to increase environmental awareness and knowledge of urban natural resources in the community, foster a sense of stewardship in young people toward local natural areas, inform students of career opportunities in the environmental field and facilitate sustained public involvement in urban environmental issues.

The Trip Into Nature Program organizes a quarterly series of family excursions into the region's natural areas to acquaint residents and visitors with the metropolitan areas resources and inspire a sense of responsibility for them. In the first 18 months of the program over 6,000 individuals from throughout the metropolitan area participated.

C. Trails and Greenways

1. Trails & Greenways Grant Program
2. Trails & Greenways System Implementation

Funds would be used to establish a grant program for trails restoration, development and trailhead development. Non-federal matching funds would be required. Many local projects already have right-of-ways acquired and development plans, but lack funding for construction to begin. In addition, funds would be used to implement the regional trails and greenways plan. The plan was designed to tie-into and interconnect trail systems in the Columbia River Gorge National Scenic Area, the Mt. Hood National Forest, Fort Vancouver National Historical Site, Scoggins Reservoir/Haag Lake, Steigerwald Ridgefield and Tualatin River National Wildlife Refuges and other federal land within the metropolitan area.

II. Land Acquisition Fund (new funding request through U.S. Fish and Wildlife Service and other appropriate federal agencies)
Request of \$2,000,000.

Acquire important natural areas for integration into the Greenspaces system through the USF&WS National Wildlife Refuge System and/or the Land & Water Conservation Funds, including additions to established national wildlife refuges in the metropolitan area.

The Metropolitan Greenspaces Program is developing and testing a number of innovative tools to protect, conserve and enhance natural areas in an urban environment. Many program areas complement educational and job related programs for youth and urban revitalization initiatives throughout the Portland Oregon/Vancouver Washington metropolitan area. The Program is a model program that can be carried out in any urban environment in the country.

**STATEMENT OF ELBRIDGE COOCHISE, ADMINISTRATOR AND
CHIEF JUDGE, NORTHWEST INTERTRIBAL COURT SYSTEM**

The Northwest Intertribal Court System (NICS), a Tribal Court Service Consortium of 14 member Tribes, provides on-reservation judicial, prosecutorial, and some very limited public defenders services to the member Tribes and one non-member Tribe. This "circuit" court system provides each Tribe on-reservation Tribal court functions for a limited cost/time share each month. The court, including judges, prosecutors and court staff travel to the Tribes for on-site administration of justice. We request an additional \$600,000 in FY94 for increased staff, salary increases, operations, training, and computer equipment.

In order to improve the efficiency, effectiveness and appropriate mediation of justice for our member Tribes, NICS requests an FY94 appropriation increase of:

1. **\$510,000 for 11 new positions, existing staff salary increases for Cost of Living, operational expenses and training costs added to the BIA Tribal Priority Allocations, Public Safety and Justice, Tribal Court Budget Base. These salary positions plus 28.63% fringe benefits include:**
 - a. a third Associate Judge, 2 Public Defenders and a Bookkeeper/Secretary and salary increases for COLA (\$190,372)
 - b. Informal Dispute Resolution Capabilities with a Coordinator, 2 Tribal Coordinators, and a Secretary (\$126,958);
 - c. Appellate Court Service functions with a Law Clerk, Appeals Clerk and Secretary (\$84,510);
 - d. Operations Expense to support additional personnel travel and supplies and augment existing budget limitations (\$28,160).
 - e. Training for professional staff of judges, prosecutors, and defenders (\$30,000); Clerical staff (\$20,000); and 15 Court Clerks at each Tribal government (\$30,000) including computers and telecommunications usage.
2. **\$90,000 for one-time cost for 20 Computers/Printers to establish a Computer Network Between the Member Tribes (14 Computers) and NICS (6 Computers): Approximately \$4,500 per unit**

NATIONAL RECOMMENDATIONS

This is a unique appropriation testimony as we have not had the opportunity to review and analyze the BIA FY94 Budget Justification. Our recommendations are based on a past decade historical pattern of minimal support or consideration for Tribal court needs. We would appreciate submitting further recommendations after the FY94 BIA budget has been released.

3. **Nationwide, we urge:**
 - Increase BIA Tribal Courts by \$15 million to improve Tribal Court Operations Added to Tribal Priority Allocations, Public Safety and Justice, Tribal Courts Budget base.
 - Provide \$500,000 in Interior Department Office of the Secretary to support a comparative analysis study of Tribal-County-State funding and responsibilities for law enforcement, courts, social services with emphasis on child welfare and juvenile delinquency with report due Congress by 3/1/94.
 - Increase BIA Contract Support Funds by \$10 million to address documented need and add to Other Recurring programs, Tribal Government Budget Base; Direct BIA to begin process to identify actual need in future budgets.
 - Direct BIA to accurately assess and support Tribal Cost of Living Adjustments and begin to provide for inflation adjustments in program budgets according to the Consumer Price Index.

Justification for NICS FY94 Appropriations Request

A Tribal government's capability to deliver fair and impartial justice to its membership is certainly as important as law enforcement to protect individual freedoms and public welfare. As the U.S. Commission on Civil Rights reported in June 1991, Tribal courts basically lack sufficient financial resources to provide good judicial services. It is not the capability and will, but the means to deliver court services that's the problem. The NICS offer this "circuit system" to provide basic court services, but proposes that with additional support we can represent a cost-efficient model for other Tribes and rural communities. Our justification for each appropriation component is as follows:

1. Addition of 11 Staff Positions, Operations and Training

- a. **A Third Associate Judge, 2 Public Defenders, and a Bookkeeper/Secretary, and Salary COLA:**
Member Tribes hold Tribal Court 2 to 7 days per month or an average of 3.5 court days per month or approximately 26.25 court days per judge. Given 20 work days available per month, 2 judges simply can't provide the needed services. A third associate judge would provide the requested service and be available for unexpected court demands, sickness and vacations.

In order to ensure due process for their members, the Tribes have requested that public defenders be available for their individual members even if only in criminal cases where jail is a possibility as part of the sentence. Tribes are concerned that their Tribal Courts offer fair forums and services for their people. Public defenders are needed by the member Tribes in order to have a balanced justice system within their jurisdiction. Due to the circuit type of court system NICS operates, the extensive travel expenses, multiple Tribal members, multiple personnel; bookkeeping requirements are voluminous requiring staff bookkeeping and secretarial services after hours and weekends to ensure the work is getting done. Therefore, the bookkeeper/secretary position is warranted. The current staff are not receiving any salary increases even cost of living adjustments nor is inflation provided, eroding funds needed to cover costs in the next year. (Current CPI is approximately 6.7% and inflation 4% for a total approximate of 10%). Cost of Living Adjustments and inflation are realities that must be addressed if we are to retain quality staff and maintain services.

b. Positions for Informal Dispute Resolution:

The 4 position are: a coordinator, 2 tribal coordinators and a secretary, plus fringe benefits. Some member tribes in the past have utilized an informal dispute resolution process to handle disputes under our Community Boards project, which had been funded by private foundations. This process follows the traditional process of handling disputes by the Tribes. It is a better process in many areas where jurisdiction, multiple litigants, and other factors would only hamper settling of the dispute in the adversarial process used by the courts. It gives parties more participation in the decision-making process to resolve issues.

c. Appellate Court Services:

We propose to support 3 positions including a law clerk, appeals clerk, and secretary plus fringe benefits to address court realities created by the BIA financial distribution process. Tribal court clerks generally are part-time, cases sometimes become complex, and appellate Court funding by the BIA is into the fiscal year creating extensive confusion. The Appellate Court function needs to be stabilized for the establishment of an orderly review process for member Tribe's Courts of Appeal. Courts of Appeal, as anyone outside Indian Country knows, is a standard, a norm in the judicial process. For Indian Country, we're grateful for the Appeals Court luxury.

d. Operations: (\$28,160)

An additional amount is needed to support additional staff operational costs, accomplish services to the member Tribes such as travel, rental of GSA vehicle, supplies, and address the chronic shortage in operations costs.

e. Training: (\$80,000)

- Professional staff of judges, prosecutors, public defenders, to keep abreast of changes in law, upgrading of knowledge skills, and mandatory CLE training (\$30,000);
- Fifteen Tribal Court clerks serving at each Tribal reservation to upgrade their skills in inter-Tribal telecommunications, computer skills, and improvement of services as court clerks (\$30,000); and,
- NICS clerical staff training in computer telecommunications and clerical skills (\$20,000).

2. Equipment: \$90,000 for 20 Computers/Printers and Related Telecommunications Equipment

- 14 computers for court clerks at each Tribal court to telecommunicate with our administrative operations in Edmonds, Washington to reduce paperwork transfer/handling expense, automate Tribal court record-keeping to reduce costs, and assist individual courts tabulate and report statistics. We're trying to move into the modern world and reduce costs.
- 6 computers are needed at the Edmonds offices for the judges, prosecutors and public defenders and office staff. Most of our reporting and record-keeping is now done manually, which is cost inefficient. Improvement through computers will assist in the overall record-keeping process, improve statistical information analysis, and in the longterm, reduce travel and site visits now required.

3. NICS Appropriations Request and Recommendations: National Level

The Tribal courts, as a third component of Tribal Governments, is the provider of justice needs of the Tribes in their exercise of the powers of Self-Government and the protector of ICRA rights, can only be guaranteed by providing adequate resources to carry out those obligations and rights.

STATEMENT OF MICHAEL C. HOUCK ON BEHALF OF THE AUDUBON SOCIETY OF PORTLAND

I would like to support full funding for FY 1994 the following programs:

1. U. S. Fish and Wildlife Service and METRO's (Metropolitan Service District) Greenspaces Program which includes the following elements: Restoration (\$475,000); Environmental Education (\$325,000); Trails & Greenways (\$150,000) and Land Acquisition (\$2,000,000). I would also like to strongly support appropriation of \$250,000 for METRO's Water Resources Program.

2. The Rivers and Trails Coalition's request to fund the NPS Rivers and Trails Conservation Assistance Program at \$12,000,000. We are especially interested in and supportive of the River and Trails Metropolitan-Wide Projects which will cost an additional \$1,000,000 per year. We feel that Rivers and Trails can provide much needed technical assistance and restoration support for urban waterway restoration and urban greenway efforts. We are committed to working with NPS and U. S. Fish and Wildlife Service on a pilot inner city urban waterway restoration effort that would involve both the Portland-Vancouver and Chicago, Illinois regions.

3. U. S. Fish and Wildlife Service's Oregon Ecosystem Program. We would like to request that \$1,000,000 be included in the Portland field offices base budget to continue their efforts with the Metropolitan Greenspaces Program and expand that program to other metropolitan areas within the region. The regional office has identified urban ecosystems as an important element of their overall Oregon Ecosystem Program and it is important that they receive adequate funding to expand their efforts where 80% of Oregonians live, in the metropolitan centers. The money that USFWS has infused in the Metropolitan Greenspaces Program has been leveraged by METRO and local jurisdictions and is indicative of the partnerships that the federal government should be encouraging more of.

I am submitting this testimony on behalf of the Audubon Society of Portland which has over 8,000 members in the Portland-Vancouver Metropolitan region, The Wetlands Conservancy which is a state-wide non-profit land trust dedicated to the protection and restoration of Oregon's wetlands and FAUNA (Friends & Advocates of Urban Natural Areas) which has over 100 member organizations with a total membership of more than 20,000 Portland metropolitan residents.

Over the past five years all four metropolitan counties in Oregon and Washington, thirty cities, numerous special districts, more than 100 neighborhood organizations and conservation groups and representatives of the business community have cooperated on the development of the Metropolitan Greenspaces Program. This program which seeks to establish a cooperative regional system of natural areas, open space, greenways and trails for wildlife and people, is one of two national models for the U. S. Fish and Wildlife Service's urban ecosystem program. Continued funding for the Greenspaces Program is essential to our efforts to move into implementation of the Greenspaces Masterplan.

RESTORATION COMPONENT

Wetlands and Riparian Corridors: Over the past two years METRO has awarded \$450,000 in competitive grants to non-profit organizations and local governments to pursue restoration of urban wetlands and waterways. These projects have been implemented in both Oregon and Washington and have resulted in multi-party partnerships among neighborhood organizations, conservation groups, the business community as well as federal, state and local water quality and land use agencies. The restoration grants program is important both because it fosters partnerships and restores degraded aquatic ecosystems. Some of the restoration efforts will be targeted to North and Northeast Portland and will involve creation of job training and environmental education for members of minority communities who are frequently not served by open space programs.

Urban Nature Parks: One of the shortcomings of the Greenspaces effort in our community and similar efforts in other metropolitan areas is that it has not offered significant projects for people of color, at-risk youth and a diverse socio-economic constituency. The Urban Nature Parks component of the Greenspaces Program as well as new elements of the restoration grants program will remedy this shortcoming. Working with local neighborhoods in North and Northeast Portland, METRO and other cooperators will identify Greenspace deficient areas which offer opportunities for restoration, enhancement and creation of Greenspaces.

The Garden Festival: Greenspace restoration on degraded and blighted urban areas which are devoid of natural areas will be pursued through the European model for Garden Festivals. The effort will engage the public and private sectors in cooperative restoration of a derelict site, development of permanent recreational facilities and creation of a complex open space scheme which will largely be reimbursed by private investment.

ENVIRONMENTAL EDUCATION

Environmental Education is a critical component of the overall Greenspaces Masterplan. The environmental education element of the program seeks to educate the general public about the values of urban natural area protection and management and engage the public in becoming stewards of natural areas on their own properties and to assist METRO and local

park providers in stewardship and management of Greenspaces throughout the region. The Green City Data project is one element of the Environmental Education program which involves students directly in data collection in Greenspaces near their schools. In addition, the Trip Into Nature and Public Informational materials are critical to bringing the Greenspaces vision to the general public. It is crucial that funds be allocated for this public outreach component of the Greenspaces Masterplan. The Trip Into Nature programs also involve "friends" groups, non-profit conservation organizations and neighborhood groups from throughout the Portland-Vancouver metropolitan region in conducting field tours to their favorite Greenspaces sites. This activity builds region-wide support for the Greenspaces Program.

TRAILS & GREENWAYS

The Greenspaces Program is not only to protect and restore urban natural areas. As stated in the "byline", the Greenspaces Program is for wildlife and people. Recreational trails are not only an important means to provide access to Greenspaces but also form a critical element of our overall regional transportation system. Portland is dedicated to incorporation of neighborhood and regional trails as a means to commute to work and to travel from neighborhood to neighborhood. The trail system includes land-based trails, greenways, wildlife corridors and river trails. Rails-To-Trails and Historic Trails are also important components of the Greenspaces Trails and Greenways program.

LAND ACQUISITION FUND

With an influx of 500,000 anticipated in the next decade the Portland-Vancouver metropolitan region cannot afford to wait for purchase of highly threatened, urbanizable Greenspaces. While we anticipate taking a \$175 million bond to the public for acquisition within the next year or two, many sites are being developed as the Masterplan enters the implementation phase. The \$2 million requested by METRO would be a stop gap amount to begin acquisition of fee title or easements on the most threatened of our regional natural area assets. It is significant that this money could be leverage several times with local park providers, the Trust for Public Land and other land trusts.

WATER RESOURCES PLANNING

While it is not a formal part of METRO's Greenspaces Program, the non-profit sector feels strongly that water quality and quantity issues can be solved only through integration with the Greenspaces Program and regional growth management strategies. We will not solve our stormwater and surface water management objectives and federal water quality mandates without linking the protection, restoration and management of our urban wetlands and waterways. METRO has and will continue to play a key role in encouraging more responsible land use planning and engineering solutions to water quality regulations throughout our region. It is essential that EPA fund METRO's 5-year planning process (Region 2040) which incorporates a dynamic watershed runoff model, coupled with their GIS database. METRO will use this model to simulate the effects of non-point sources of pollution. Their GIS generated data will serve as input into the watershed model, NPSMAP (Nonpoint Pollution Source Model for Analysis and Planning) which will allow basin-wide planning for water quality. METRO has already successfully demonstrated this process in 11 square mile Fairview Creek in eastern Multnomah County. This basin-wide approach to water quality and quantity planning is a critical element to Greenspace protection as well since reliance on natural wetlands and healthy riparian systems should be one component of an overall regional water quality strategy.

SUMMARY

The Audubon Society of Portland, The Wetlands Conservancy and over 100 local "friends" organizations have worked with METRO, USFWS, NPS's Rivers and Trails Conservation Assistance Program, US EPA (Region X and Office of Wetlands, Oceans and Watersheds) and others over the past five years on Metropolitan Greenspaces. It is one of two national models for the USFWS. Continued funding for restoration, environmental education, acquisition and water resource planning is critical to the continued success of this program.

We also support the Rivers and Trails Coalition request for \$12,000,000 for National Park Service and \$1,000,000 for U. S. Fish and Wildlife Service's Oregon Ecosystem, Urban Ecosystem project base budget.

STATEMENT OF CASEY D. NELSON, SR., ON BEHALF OF THE
METLAKATLA INDIAN COMMUNITY, ANNETTE ISLANDS

The Metlakatla Indian Community (the Community) of the Annette Islands Reservation in Alaska has as its major goal the improvement of our natural resource-based reservation economy to provide a job for every member of the Community who wishes to live on the reservation, and most of our appropriations requests reflect this goal. The Community experienced a rapid population growth during the past decade, increasing in number by 50% since the 1980 census.

SUMMARY OF APPROPRIATIONS RECOMMENDATIONS

1) Increase BIA funding to \$350,000, or \$187,000 over the FY 1993 level, for contract fisheries monies under Tribal Management, and move the funds for this allocation to Tribal Priority Allocation.

2) Increase BIA funding under Natural Resources General under Tribal Priority Allocations to \$175,000, or \$50,700 over the FY1993 level.

3) Increase BIA funding under Tribal Priority Allocations by \$249,000, from \$56,500 to \$304,500, for our forestry program.

4) Funding of \$3.290 million for the BIA's portion of the U.S./Canada Salmon Treaty, of which the Community's portion would be \$194,949.

5) One-time BIA funding of \$641,525 to convert our P.L. 93-638 contracts to a calendar year basis.

6) One-time IHS funding of \$475,000 to convert our P.L. 93-638 contracts to a calendar year basis.

7) IHS funding of \$3 million for construction of quarters.

Fisheries. We request \$350,000, an increase of \$187,100 over the FY1993 level, for the Community's fisheries monies under Tribal Management, and further ask that these funds be made recurring by placing them in the Tribal Priority Allocation portion of the budget. The Community manages its fisheries under a Memorandum of Agreement (MOA) with the BIA. The MOA requires a management plan for each fishery, and that each fishery be managed in a manner that is consistent with in-season conditions and that adequately addresses conservation concerns. This latter requirement involves the collection of a wide variety of biological data, careful interpretation of the data, and identification and evaluation of management alternatives.

The requested \$187,000 increase would be for the Community's Branch of Fish and Wildlife, one of the three branches in its newly reorganized Natural Resources Department, and would fund the following: a fisheries habitat biologist and a fisheries technician (\$70,000), stream enhancement and rehabilitation (\$48,000), sea cucumber fishery management (\$40,000) and shellfish culture development (\$30,000). Attached are materials which provide more specificity on these needed efforts (Attachment A).

Natural Resources General. We request \$175,000 in Natural Resources General under Tribal Priority Allocation, an increase of \$50,700 from the FY1993 level. The increased funding would be for the operating costs for the Natural Resources Department and would allow us to hire a Community member for an executive level training position.

Forestry. We request \$304,500 for our forestry program, a \$248,000 increase over the FY1993 level. This is the amount recommended by the 1992 Report (attached) of the Annette Island Forestry Review Team which included Forestry staff of the BIA Portland Area Office and Metlakatla Natural Resources and Forestry programs (Attachment B).

The Community's harvesting of timber, after a period of low harvests, is increasing significantly and this requires an increase in our professional staffing capabilities. We expect to harvest 20 million board feet of timber annually through 1995, and have an option of harvesting an additional 45 million board feet of reservation timber after 1995. Obviously, this level of harvesting requires highly trained personnel to plan and oversee this operation,

including compliance with the National Environmental Protection Act; coordination with the Community's fish and wildlife programs regarding logging impacts on streams, fish and wildlife; road maintenance; and timber sales operation and accountability.

U.S./Canada Salmon Treaty. We support the request of the Pacific Salmon Commission for \$3.290 million for the BIA's portion of the U.S./Canada Salmon Treaty. Of this amount, \$194,949 would be for the Community's responsibilities pursuant to the Treaty and approximately \$868,000 would be for the Self-Governance tribes (who have increased by two since last year). The FY1994 request is a very modest increase over the FY1993 level of \$3.04 million (of which \$559,292 is found in the Self-Governance portion of the budget).

Chinook, coho and chum salmon released from our Tamgas Creek Hatchery contribute to fisheries in Alaska and British Columbia. In order to determine Canadian interception rates of these hatchery fish and determine the chinook salmon contribution of Alaskan fisheries for the purpose of calculating chinook "add-on" numbers, an intensive coded-wire-tagging effort is necessary. The program also requires two individuals as port samplers to identify tagged salmon, remove heads and submit the heads along with supporting documents to the Alaska Department of Fish and Game to remove the tags and identify the hatchery of origin. A third port sampler removes the fish scales from a percentage of the fish delivered to the Port of Metlakatla for identification as to the point of origin. Our efforts are coordinated with other regional, state and federal tagging programs in order to ensure standardization and compatibility of methods and results.

BIA and IHS Contract Conversion. We request \$641,525 in BIA and \$475,000 in IHS one-time monies to convert our P.L. 93-638 contracts to a calendar year basis. This is the amount of funding necessary for an extra quarter (October, 1994 through December, 1994) so that we can administer our programs on a calendar year basis, and includes both direct and indirect costs. Administration of programs on a calendar year basis is more efficient than the current system whereby we must begin the fiscal year without having our allotments of BIA and IHS funds. A 3-month lag from the enactment of an appropriations bill to the beginning of our fiscal year could enable us to plan and administer our programs better. Furthermore, our auditors have recommended that we contract with BIA and IHS on a calendar year basis so as to streamline and improve our accounting controls.

Under Section 105(d)(1) of P.L. 100-472, the Indian Self-Determination Act Amendments of 1990 (25 U.S.C. Section 450j(d)), calendar year contracting is required unless the tribe and agency agree otherwise. Under that section, agencies must report to Congress the amount required to implement the contract conversion by April 1st for the following fiscal year. Even though the Community formally asked both the BIA and IHS for funding for contract conversion, to our knowledge the agencies did not report to Congress on the need for these funds. We understand that our requests were forwarded by the BIA Portland Area Office and the IHS Anchorage Office to their superiors in Washington.

Attached is documentation prepared by the Portland Area BIA Office and the IHS Anchorage Area Office identifying the additional funding needed for such conversion (Attachment C).

IHS Quarters. We request \$3 million for construction of IHS quarters for nine housing units for our health clinic personnel. Our quarters application is in Phase III of the IHS process, and in fact, our Program Justification Document is under review at IHS. We have had several communications with IHS on the Program Justification Document and we believe that it will be formally approved prior to the House and Senate markups of the FY1994 budget.

We are particularly eager that we receive FY1994 IHS quarters funds because it will enable us to dovetail this construction project with the planned HUD housing construction on the Island. As you can imagine, getting construction equipment and materials on and off the island is a major undertaking, and it would save money and time if we were able to construct the HUD and IHS housing at the same time.

STATEMENT OF ROBERT J. CLARK, CEO, ON BEHALF OF THE BRISTOL BAY AREA HEALTH CORPORATION

The Bristol Bay Area Health Corporation ("BBAHC") submits the following statement for the record on the FY 1994 budget for the Indian Health Service ("IHS"). BBAHC is a private, non-profit corporation organized in June, 1973, by the 32 Alaska Native villages of the region. BBAHC provides a wide variety of health services including hospital services, family medicine, mental health, dental, optometry, substance abuse treatment services, health education, and other preventive and community health services. BBAHC serves more than 7000 year-round residents within the the Bristol Bay and Calista regions of Alaska. Our service area encompasses a portion of southwest Alaska approximately the size of Ohio. In 1980, we became the first tribal organization in the United States to take over the operation of a hospital from the IHS under the authority of the Indian Self-Determination Act. The Kanakanak Hospital has been JCAHO accredited since 1973.

We respectfully ask the Committee to:

- appropriate \$6,600,000 for renovation of the Kanakanak Hospital, including \$2,250,000 for additional space and remodeling, \$1,600,000 for a new roof, and \$2,750,000 for construction of a surgical suite;
- appropriate \$5,800,000 for purchase or construction of long-term care and home- and community-care facilities as demonstration projects under sections 821 and 822 of the Indian Health Care Improvement Act;
- \$1,500,000 for the construction of a CHAP training center;
- \$26,000,000 to offset IHS indirect costs shortfall;
- retain bill language governing the IHS's billing policy and eligibility;
- fund inflation based on the Consumer Price Index rate of 6.8%;
- appropriate \$11.5 million in population growth funds;
- appropriate \$99 million for sanitation facilities construction;
- appropriate \$20 million to the Indian Health Care Improvement Fund;
- include report language exempting rural health providers in Alaska from complying with new FAA Medevac regulations.

1. Hospital Repairs (\$6,600,000)

Additional Space and Remodeling (\$2,250,000). BBAHC's greatest need is for additional space and remodeling of the Kanakanak Hospital. We are presently providing medical care in a severely overcrowded facility which presents a number of physical and sanitary dangers to patients as well as staff. We need to add 6,000 square feet of program space through modular construction and also need to remodel 6,000 square feet of space within the hospital. We estimate the cost \$2,250,000 to construct, design, engineer, remodel, supply and furnish the new and remodeled spaces.

New Hospital Roof Replacement (\$1,600,000). BBAHC must also replace the flat roof on the new Kanakanak Hospital built in 1985. This roof, in its present condition whose design was approved by IHS, is in danger of collapsing. At least nine similar flat roof designs have collapsed in other southwest Alaska facilities, including a local Dillingham school. The minimum design load for buildings in the area is 70 pounds of snow per square foot. The Public Health Service ("THS") conducted a study of the roof and determined that our flat roof was designed to withstand a snow load of only 30 pounds per square foot. The unsound design of the roof has rendered the new hospital unsafe, a situation that must be corrected immediately. The cost estimate of a replacement roof with a life span five times that of the present roof (5 years) is \$1.6 million.

New Surgical Suite (\$2,750,000). BBAHC would also like to add a surgical suite within the Kanakanak Hospital. The new surgical suite would enable BBAHC to increase the provision of emergency services which save lives. We estimate that it will cost \$2,750,000 to design, build, equip and staff the new suite.

II. Demonstration Projects (\$5,800,000)

Although there is an urgent need for the funding of home health and long-term care in the Indian Health Service and these programs clearly fall within the statutory authority of IHS to provide for the "conservation of health", neither activity is included in the Administration's budget request. BBAHC itself has been an innovator in post-clinical care through its non-IHS funded home health care and swingbed programs, both of which have been accredited by the State of Alaska for two years. But our elderly still need greater access to care than they currently receive. Elderly persons comprise the fastest growing segment of the Alaska population, doubling in the past 10 years. Bristol Bay's elderly population has grown by 35% in that same period.

The efforts of BBAHC and other American Indian and Alaska Natives by themselves are not enough to meet this need. The efforts of the IHS, especially in light of its trust responsibility, have been inadequate thus far. Therefore, we are asking for your assistance in helping us achieve that goal through

two demonstration projects recently authorized under sections 821 (home- and community-based care) and 822 (shared services demonstration project) of the Indian Health Care Improvement Act.

In particular, we ask the Committee to appropriate \$4,300,000 for the construction of a 16 bed nursing home to be operated by BBAHC as a long-term care demonstration project for care of the elderly as authorized under section 822. BBAHC also asks this Committee to appropriate \$1,500,000 for the purchase or construction and staffing of four regional assisted living homes for the elderly. BBAHC would operate these homes as a home- and community-care demonstration project for care of the functionally disabled as authorized under section 821. We add that both the Alaska Area Native Health Service and the Alaska Native Health Board actively support this request.

III. CHAP Training Center (\$1,500,000)

BBAHC also requests the Committee to appropriate \$1,500,000 for the construction of a new Community Health Aide Program training center. The existing 5 training centers cannot meet the statewide need for training. Our Community Health Aides (CHAs) must often wait months for training, thus denying our people access to a trained provider when needed. As you know, CHAs provide the first link in health care between BBAHC and the village residents. The CHAP program has been in existence in Alaska for 30 years. In many villages, CHAs are the sole health providers. CHAP funding, however, remains at a 73% of need statewide. The addition of a training center in Dillingham would greatly increase the number of CHAs in our villages and improve the quality of care to Alaska Natives.

IV. Indirect Costs Shortfall (\$26,000,000)

We have been advised by the IHS that the report on indirect cost shortfalls, required pursuant to section 106(c)(2) of the Indian Self-Determination Act, was prepared for FY 1992. Drafts of the report were circulated for comment within HHS and OMB and revised in accordance with the comments received. The Secretary, however, never submitted the final report to Congress as required by the Act. We understand that the IHS reported a \$9.2 million indirect cost shortfall for FY 1992. The FY 1993 shortfall report has also been prepared, in draft. The FY 1993 shortfall is expected to be approximately \$18 million. Based on current budget information, we understand that the IHS is forecasting an FY 1994 shortfall of \$26 million. Because of the shortfall, we have been forced to supplement available indirect cost monies from a number of alternative sources.

We find it hard to understand why the Secretary has refused to provide Congress with the report. The law requires that this information be given to Congress by March 15 of each year. Nonetheless, it appears that if the data reveals a shortfall, then the report is withheld. At an absolute minimum, Congress must be provided with sufficient information to make its appropriation decisions. We ask you to take whatever steps are necessary in order to bring HHS into compliance with the law. We also request the Committee to appropriate \$26 million for IHS indirect cost shortfalls (of which \$145,018 would be apportioned to BBAHC), money to which we and other tribal contractors are entitled to by law.

V. IHS Budget Request

We are concerned about the following proposals that the Administration has included in its FY 1994 Budget Request. First, we oppose the deletion of both the current billing policy and eligibility provisions from the statutory language. Second, we urge the Committee to provide inflationary funding based on the Consumer Price Index medical inflation rate of 6.8%, not the 5.1% rate cited by the Administration. Third, we ask the Committee to provide at least \$11.5 million in population growth funding (the FY 1993 amount). Despite the fact that population growth for American Indians and Alaska Natives is estimated at 2.5%, the Administration has requested no funding to accommodate this growth. Fourth, we are dismayed that the Administration has not requested an increase in funding for sanitation facilities construction. Given the dramatic need for improvement of Alaska Native village water and sewer systems, we ask the Committee to appropriate at least \$99 million for this purpose as called for by the IHS's 10 year sanitation facilities improvement plan. Fifth, we request an appropriation of \$20 million (the authorized amount for FY 1992) for the Indian Health Care Improvement Fund which was not funded in FY 1993 and for which no funding has been requested for FY 1994.

VI. New FAA Regulations

We are concerned that new Federal Aviation Administration regulations governing air ambulance staff training programs and operations specifications, scheduled to take effect in June, will either reduce our ability to utilize air taxi service to BBAHC or increase our operating costs by as much as \$2.8 million a year. Statewide, the new regulations could raise operating costs by as much as \$36 million a year for tribes served by or contracting with the IHS. Since we serve a 45,000 square mile area, we depend on local air taxi services to assist with medical evacuations from our 32 villages. Other than expensive air ambulance flights, commercial or chartered emergency flights are the only means of transporting patients to hospital services. Many villages have such small runways that it is impossible for the Anchorage air ambulance planes to even land. Thus the regulations would deny emergency hospital services.

The new FAA regulations will prevent air ambulance operators from modifying their aircraft, even removing seats. We are frequently forced to utilize commercial flights into Dillingham and to Anchorage and the removal of seats is often necessary in order to accommodate patients on stretchers. Unless we can continue to utilize commercial flights, we will have to charter all medical transports into Dillingham and to Anchorage on air ambulance flights, an expense we cannot afford. The new regulations also restrict aircraft operators from allowing medical personnel to accompany patients except when in-flight patient care equipment is not required for basic or advanced life support. This will prevent us from flying even sitting patients who require oxygen and a medically-trained escort, such as a Community Health Aide, on anything but a chartered air ambulance flight. The new regulations also prevent pilots from flying 10 hours before or after a medical transport. This will require either the airlines or BBAHC to pay for a standby pilot, a cost that will be passed on to us.

We ask that you include report language creating an exemption for Alaska air transport operators. We suggest an exemption or modification of the rules for air charter services that transport patients infrequently, especially when there are no alternative or qualified services in the area. We also request a deletion of the requirement that patient care equipment cannot be required for basic or advanced life support. We will be glad to assist your office in drafting any of these changes.

STATEMENT OF CAROLYN MICHELS, PRESIDENT, NORTON SOUND HEALTH CORPORATION

The Norton Sound Health Corporation ("NSHC") submits the following testimony regarding the FY1994 Indian Health Service ("IHS") budget. NSHC is a tribally-controlled, non-profit corporation organized in 1970 by the 16 native villages of the Bering Straits Region which delivers health care services to more than 6,150 Native and 2,138 non-Native residents of the region, one of the twelve regions into which Alaska was divided under the Alaska Native Claims Settlement Act in 1971. The region served by NSHC encompasses a sizeable portion of northwest Alaska, over 26,000 square miles, an area equal in size to the state of West Virginia. NSHC is headquartered in Nome, and aside from two private dental practices, is the sole source of health care in the region. NSHC operates a hospital, intermediate care nursing facility, and other community and preventive services including substance abuse counseling, environmental health, public health nursing, and education programs.

NSHC respectfully asks the Committee to:

- appropriate \$250,000,000 for new hospital construction;
- appropriate \$99,000,000 for IHS water and sewer systems;
- appropriate \$500,000 for a village water and sewer demonstration project;
- appropriate \$6,000,000 for village built clinic leasing;
- appropriate \$250,000 for new patient quarters;
- appropriate \$250,000 to fund a separate IHS eligibility study of Alaska;
- monitor health care reform to ensure that Native needs are met;
- retain bill language governing the IHS's billing policy and eligibility;
- fund inflation based on the Consumer Price Index rate of 6.8%;
- appropriate \$11,500,000 million in population growth funds;
- appropriate \$20,000,000 for the Indian Health Care Improvement Fund;
- appropriate \$75,000,000 for the Alaska Native Medical Center.

I. Replacement of the Norton Sound Hospital

Perhaps our greatest needs remains the replacement or renovation of the Norton Sound Regional Hospital, a structure dating from 1948. The 1948 portion of our building is in such poor condition that the only viable solution is to build a new hospital. Structural deterioration of our hospital has resulted in many serious code violations and health and safety deficiencies. Among the most serious problems are foundation settling; asbestos; lack of a sprinkler system in the 1948 portion which houses one-half of the health care programs; unsafe wiring and plumbing; overcrowded conditions; and inadequate ventilation.

We are pleased to report that the IHS accepted our application for the construction of a new hospital into Phase III of the Health Facilities Construction Priority System. We will know within a year whether the construction of our new hospital will be on the final priority list. IHS has informed us, however, that there is nearly a \$500 million backlog for facilities currently on the list. Therefore, we ask the Committee to appropriate at least \$250,000,000 for funding of projects currently on the priority list. In addition, we urge the Committee to consider the establishment of a model demonstration project under which certain tribal organizations could proceed with hospital construction utilizing private financing for lease to the IHS and operation under the Indian Self-Determination Act. We would like to be considered for such a demonstration project.

II. Village and Water Sewer Systems

We are dismayed that the Administration has not requested an increase in funding for sanitation facilities construction. There are over 200 native villages in Alaska and two-thirds of them do not have piped water and sewer systems. In fact, most families do not even have outhouses because of the high water table level. Rather, sewage systems consist of "honey buckets", five gallon buckets with toilet lids, which are kept inside the home. Since there is no running water, you cannot even wash your hands after using the honey bucket. This situation occurs not only in homes but also in many of the village clinics. It is a disgrace that even in the 1990's Alaska Native villages suffer these conditions.

The Alaska Native Health Board (ANHB) has presented improved water and sewer needs as a top legislative priority for a number of years, yet no meaningful improvements have begun. We cannot afford to simply stand by while our people continue to suffer from preventable diseases such as bronchitis, otitis media, impetigo and other sanitation-related diseases. The recent outbreak of Hepatitis-A in our villages which has stricken over 450 Natives and has caused at least four deaths is a direct consequence of these deplorable conditions. A vital component of modern water and sewer systems is proper operation and maintenance. Improper maintenance of village water and sewer needs has been directly linked to a death caused by fluoride poisoning. Maintenance must be improved to avoid future tragedies. Congress, through the Indian Health Care Improvement Act, has recognized the importance of these needs by authorizing the IHS to provide financial assistance to Native American tribes for the operation, management and maintenance of safe water and sanitation waste facilities. The Senate Indian Affairs Committee has identified Alaska Natives as particularly in need of financial assistance due to our extreme isolation.

The IHS now estimates a backlog in sanitation facilities projects of more than a \$1.7 billion. IHS has developed a 10 year plan calling for \$99 million in annual appropriations in order to meet the backlog. Since nearly all of our villages lack safe water and sewage and refuse disposal systems, we ask the Committee to appropriate \$99,000,000 in FY 1994 for sanitation facilities. We also urge the Committee to appropriate \$500,000 in order to fund an IHS demonstration project to provide operational cost subsidies to Alaska Native communities with the most critical health and safety problems.

III. Village Built Clinics

The IHS leases clinics from 166 Alaska Native villages through its village built clinics leasing program. These leases make it financially possible for the villages to open these remote clinics, often the only source of health care for Alaska Natives. The clinics in our region, however, are in grave disrepair. Many are so small that private consultations are impossible or in such poor condition that specialists hold their clinics outside. IHS informed us that in FY 1992, it allocated \$3,405,768 for village built clinic leasing. IHS estimates that the FY 1993 allocations will total nearly \$3.6 million, only 57% of need. Therefore, we request an appropriation of \$6 million for leasing of village built clinics. We also ask the Committee to create an alternate source of funding for clinic replacement and repair outside of HUD's community development block grant program, the villages' only source of construction funding.

We also wish to report a disturbing development to the Committee. The FY 1992 Interior Appropriations conference report directed the IHS to work with Alaska Native organizations on a plan to address clinic deficiencies. In response, the IHS's FY 1993 budget request stated that it was working with Alaska Native organizations to determine cost estimates for repair of village built clinics. The IHS also stated that it would include the repair costs in the next application of the IHS Maintenance and Improvement (M&I) priority system and that funds for correcting the deficiencies would be allocated accordingly. This has never happened. In fact, no cost estimates for the repair of the village built clinics were ever prepared. Therefore, we urge this Committee to direct IHS to honor its word and secure M&I funding for the village built clinics.

IV. New Patient Quarters

Patients who visit Nome from the outlying villages often must stay overnight for a number of reasons including the length and number of required medical procedures, and staff and equipment availability. Unfortunately, we cannot house these patients. Patients without families or friends in Nome, or those accompanied by family members, must pay for their own motel rooms, which cost \$70 a day. Many cannot afford this expense, especially since they must pay one-half of the cost of travel. As a result, many patients delay or opt to forego important medical care. Among those especially affected are patients scheduled for Ear, Nose and Throat clinics, women requiring follow-up attention after delivery, and parents bringing children for check-ups and other preventive care.

In order to accommodate overnight patients on a short-term basis, NSHC asks the Committee to appropriate \$250,000 for the construction of a four-family dormitory. This structure would be located near the hospital, thus enabling the dormitory to share food, laundry, and maintenance services. The facility would allow NSHC to offer patients a place to stay and greatly reduce the number of patients who delay important medical care until a life-threatening crisis develops.

V. Eligibility Study

We share the objections of the ANHB to the IHS study of the impact of the "final rule" limiting eligibility for services in 11 of 12 IHS areas (California excluded). The final rule limits eligibility for

IHS services to Indians who are members of a federally-recognized tribe and live in a Health Service Delivery Area. We are especially concerned that the case study portion of the IHS study will not provide a representative analysis of the effect of the final rule in Alaska which has an extremely diverse Native population. The impact of the final rule within Alaska cannot be measured by a survey limited to just a few villages in the state. Therefore, we support the ANHB's recommendation of a permanent ban of the final rule, or alternatively, of a one-time appropriation of \$250,000 to fund a separate study of the effect of the final rule within Alaska.

VI. Health Care Reform

Like many tribal health providers across the nation, we believe that health care reform must increase access to and improve the quality of care. But we also believe that reform must take into account the unique political, moral and legal relationship between the federal government and American Indian and Alaska Native tribes. Under this relationship, which has been repeatedly affirmed by the executive, Congress, and the courts, the United States has assumed an obligation to provide health care to Native Americans. We ask that Congress and the Administration continue to recognize and meet their unique obligations to Native Americans and retain the extensive scope of IHS and tribal services, including community and preventive care, rural outreach, and sanitation and facilities programs - services far exceeding the proposed "core benefits package".

VII. IHS Budget Request

We are concerned about the following proposals that the Administration has included in its FY 1994 Budget Request. First, we oppose the deletion of both the current billing policy and eligibility provisions from the statutory language. Second, we urge the Committee to provide inflationary funding based on the Consumer Price Index medical inflation rate of 6.8%, not the 5.1% rate cited by the Administration. Third, we ask the Committee to provide at least \$11.5 million in population growth funding (the FY 1993 amount). Despite the fact that population growth for American Indians and Alaska Natives is estimated at 2.5%, the Administration has requested no funding to accommodate this growth. Fourth, we request an appropriation of \$20 million (the authorized amount for FY 1992) for the Indian Health Care Improvement Fund which was not funded in FY 1993 and for which no funding is requested for FY 1994. Finally, we ask the Committee to fund the IHS's request of \$75 million for the completion of the Alaska Native Medical Center (ANMC).

STATEMENT OF THE NORTHERN FOREST ALLIANCE

Mr. Chairman, thank you for the opportunity to testify on behalf of 20 members of the Northern Forest Alliance representing over 600,000 citizens. Our testimony concerns the need for continued and strengthened efforts to protect the Great Northern Forest.

"The Great Northern Forest is extraordinary and irreplaceable. The largest remaining wildland in the Northeast, the Northern Forest spans 26 million acres across northern Maine, New Hampshire, Vermont and New York. This vast forest, and its great rivers and undeveloped lakes, is home to moose, osprey, bear, loon and more than 250 other animal species. The land - most of which is privately owned but open to fishermen, canoeists, hikers, hunters and all who value the outdoors - has sustained a forest based economy and way of life for centuries.

Today, change clouds the future of the Great Northern Forest. The U.S. Congress recognized the threat to the future of the region when it authorized the U.S. Forest Service to undertake the Northern Forest Lands Study in 1988. As expressed in the Joint Explanatory Statement of the Committee of Conference, "Changes in forest land ownership in northern New England and New York are leading to increased subdivisions, development of large tracts of lands, and a loss of traditional economic and recreational uses of these lands ... Unless prompt action is taken, there may be an irreparable loss of these forest resources." We can no longer take for granted the jobs, timber, wildlife, public access, clean air and clean water that the Great Northern Forest has provided for so long.

Protection of the Great Northern Forest through economic incentives for private land owners, land use control, and public acquisition of selected parcels is critical for the future integrity of this region. Three important federal initiatives can be of tremendous value to this effort.

Protection of "Jewels" of the Northern Forest - \$14.25 million

There is an urgent need for the protection of several key "Jewels" of the Great Northern Forest that are currently on the market and threatened with development and subdivision. Loss of these irreplaceable wildlands will bring irreparable loss to the natural heritage, recreational opportunities and ecological integrity of the region.

The priority projects listed below are currently on the market by willing sellers and are in need of immediate protection. These parcels represent only a fraction of the lands at risk in the Northern Forest, and emphasize the need for a continued commitment to land protection in this area of outstanding natural heritage and ecological importance.

1994 Priority Projects

New York

- Follensby Pond is one of the largest undeveloped privately owned lakes in the Adirondacks. This 14,400 acre tract lies along the popular Raquette River canoe route between Long Lake and Tupper Lake. Permanent protection of this area will ensure public access and enjoyment of irreplaceable resources.

Acres: 14,000

Cost: \$5.5 million

Vermont

- The 5,400 acre Big Jay property is a spectacular tract of undeveloped mountainous forest land. The property includes the summits of Big Jay - the highest undeveloped peak in private ownership in Vermont and a unique glacial cirque. It also contains 1.3 miles of Vermont's famous Long Trail, one mile of the Catamount Trail, and provides valuable habitat for bear, moose, beaver and deer. Protection of this tract will provide a magnificent recreational and wildlife corridor along the northern crest of the Green Mountains.

Acres: 5,400

Cost: \$800,000

Maine

- The Katahdin Iron Works lands encompass 70,000 acres that are bisected by the Appalachian Trail and adjacent to scenic Gulf Hagas, a registered national natural landmark. 32,000 acres of this region are currently on the market presenting a immediate opportunity for protection of an area of immense public value including miles of undeveloped river shore and lakefront, remote ponds, mountains and forests.

Acres: 32,000

Cost: \$8 million

A commitment from Congress would represent an important step towards protection of the vast resources of the Great Northern Forest.

Total Acres: 51,400

Total Cost: \$14.25 million

Additional Protection Needs:

- The Lyons Falls Pulp and Paper Lands in New York include 15,000 acres of pristine forest on the headwaters of the Salmon River in the Tug Hill Region and 5,000 acres on the headwaters of the Moose River in the Adirondacks.
- The Morgan/White/Bird Properties on Lake George in New York include 1,000 acres with the last significant stretch of undisturbed private shoreline on Lake George.
- The Heurich Estate on the New York shore of Lake Champlain includes 2,200 acres of mountainous, forested and undeveloped shoreline.
- The Whitney Estate in New York is comprised of 50,000 forested acres and scores of undisturbed lakes, including the largest undeveloped lake in private ownership.
- Large Corporate Holdings located in Vermont's Northeast Kingdom encompass approximately 250,000 acres of remote and undeveloped forest land which provide important wildlife habitat, timber resources and recreational opportunities.
- The James River Corporation owns and manages vast areas of forest land in northern New Hampshire's Coos County encompassing more than 180,000 acres.

These lands include much of the scenic Mahoosuc Range which provides valuable wildlife habitat, important recreational resources, and areas adjacent to the White Mountain National Forest.

- The Hearst Corporations Machias Lands in Maine include 27,000 pristine acres which encompass the Machias River, Little Mopang Stream and Old Stream.

The Forest Legacy Program - \$25 million

Congress authorized the Forest Legacy Program in the 1990 Farm Bill as an innovative approach to the conservation of private forest lands in the Northern Forest. Through conservation easements or full fee acquisition, the program provides an opportunity for the federal government to work in partnership with states and private land owners to permanently protect private forest land threatened with subdivision and conversion. Forest Legacy is an important example of how strengthening the region's timber economy and protecting the environment go hand in hand.

The four Northern Forest States of Maine, New Hampshire, Vermont and New York have participated in the pilot phase of the Forest Legacy Program. In addition, an increasing number of states in other regions including Massachusetts, Rhode Island, Connecticut, Washington, Ohio, Indiana, Illinois, Minnesota, Wisconsin, Maryland, Delaware and New Jersey have expressed interest in joining the program.

Interest in the program from landowners throughout the Northern Forest and surrounding states far exceeds available funding. Eligible lands include large contiguous tracts of productive timber land, extensive corporate holdings, important wildlife habitat, river corridors and pristine mountain lakes.

In Vermont, spectacular Cow Mountain Pond in the town of Granby has been protected and 2,272 acres of forested ridge line in the Worcester mountains is in line to be the next project. In New Hampshire, purchase of conservation easements on the 6,000 acre Stratford Bog adjacent to Nash Stream forest is nearing completion. New York has potential Legacy projects in the Tug Hill area, the Adirondack Park, Sterling Forest situated in the New York/New Jersey Highlands, and on the pristine Battenkill River. In the Rangely Lakes area of Maine, 1,260 acres of outstanding land near Mooselookmeguntic Lake will be an important Legacy project.

To continue this valuable program for protection of forest resources in the Northern Forest and to enable it to expand to fulfill needs in surrounding states, we respectfully request an appropriation of \$25 million for Fiscal year 1994. Much work on the federal and state levels has gone into creating and promoting this innovative program. Since its inception, the need for protection of private forest lands has only increased.

The Northern Forest Lands Council - \$1.27 million

We support continued funding for the work of the Northern Forest Lands Council. Established by Congress three years ago, the Council is nearing completion of its research program and is in the process of forming recommendations regarding the future of the Great Northern Forest. The Council continues to provide a valuable forum to bring together diverse interests as a basis for constructive discussion by all those who care about the future of the region. We support the Council's requested budget of \$1.27 million for fiscal year 1994.

Thank you for this opportunity to speak for protection of the Great Northern Forest.

STATEMENT OF THE NATIONAL RECREATION AND PARK ASSOCIATION

We appreciate the opportunity to offer recommendations on fiscal year 1994 interior appropriations. The National Recreation and Park Association is committed to advocating quality recreation and park opportunities for all Americans. Thus, we urge the subcommittee to give particular attention to three key recreation programs within its purview. In particular, we recommend the following:

- \$250,000,000 from the Land and Water Conservation Fund for assistance to state and local governments, or an equitable proportion of total LWCF appropriations.
- \$100,000,000 for the Urban Park and Recreation Recovery program.

- \$900,000 for recreation technical assistance to assess and aid the transfer of excess, surplus and other Federal real property, including military bases scheduled for closure and property in the inventory of the Resolution Trust Corporation, for parks and recreation.

Our recommendations in support of viable local-state-national investment partnerships fostered through Land and Water Conservation Fund state assistance and urban park rehabilitation are based on our view that these partnerships are in a precarious state. In some states, for example, state planning and grant administration processes are at or near the point of collapse, in part the result of more than a decade of executive requests and congressional appropriations resulting in less than 15 percent of total LWCF appropriations being available to the states. The continuation of this pattern will, in our judgement, result in significantly higher costs to the national government as members of Congress and interest groups look increasingly for federal solutions to resource conservation and recreation opportunity. The pattern will also result in lost opportunities for resource conservation and diminished recreation for those most in need.

Our recommendations also come at a time when the nation seeks ways to enhance our physical and mental health while containing costs; to control the personal and social costs of crime, delinquency and other antisocial behavior; to enhance and sustain our physical environment; and to foster economic growth. Public recreation and park conservation actions, facilities and services are proven instruments of positive change in each area of concern. It is time, we believe, to apply our political will and fiscal resources to enhance recreation opportunity and resource conservation. Overall appropriations from the Land and Water Conservation Fund should be substantially increased, and enhanced allocations to the states must result directly from that action.

National Investment Through Public Partnerships

Anticipating that a continuing stimulus for the economy will be useful, LWCF state grants and urban park rehabilitation will create jobs quickly in rural and urban places most in need. In 1983, for example, a \$40 million supplemental appropriation for urban park rehabilitation resulted in over 3,730 construction and non-construction jobs (over 2,360 months of construction employment) and \$9.6 million in equipment sales (also strengthening the manufacturing sector of the economy). Two-hundred thirteen of 226 urban park proposals were from high unemployment areas. Nearly 90 percent of approved projects went to cities and urban counties with high unemployment. More recently, the U.S. Conference of Mayors in December, 1992 estimated that \$317 million could be quickly invested in urban park and recreation projects in the context of other urban investments.

If urban park assistance is made available, the response from cities and urban counties will be quick and effective. The City of Detroit, Michigan, for example, would invest \$7.5 million in the renovation or reconstruction of 10 community centers; the restoration of a seawall and related walkways and infrastructure; and improvements at scores of other public parks and playgrounds. Architecture and engineering plans are well advanced. Detroit's recreation and park system annually reaches up to 7 million people in the metropolitan region.

The City of Los Angeles could quickly move \$5 million to \$10 million in park rehabilitation projects from bid to construction. The majority of proposed projects would redevelop older central city parks, many in or near areas severely damaged by civil unrest in 1992. A longer time frame would allow Los Angeles to address about \$40 million in critical central city park and recreation facility restoration needs.

San Pedro Park, a "public pleasuring ground" deeded by the King of Spain to San Antonio, Texas in 1733, could quickly utilize \$3 million for major rehabilitation of park infrastructure and special features.

These capital investment projects and their attendant social values would be replicated in place after place nationwide. They would result in both immediate and long term economic benefit.

Appropriations from the Land and Water Conservation Fund for state assistance will conserve lands and waters and create jobs through development for public use and access. To achieve these and other objectives we must make considerable investment. For example, our 1990 survey of 5-year capital investment in state and local park systems revealed needs of \$37.27 billion, including \$30.4 billion for local systems. Fifty percent of the local total would be targeted to the construction and development of new facilities and access; 25 percent would be targeted to rehabilitation; 25 percent would be directed to land acquisition.

Arkansas' state park system renewal strategy is illustrative of LWCF importance and long-term commitment. The Arkansas Natural and Cultural Resources Council's proposed 10-year, \$120 million restoration and expansion program, with LWCF assistance, could be accelerated to allow the state to invest more of its own fiscal resources in additional work. In 1991, 6.9 million visitors to Arkansas State Parks generated about \$199 million statewide, including \$9.1 million in city, county and state taxes. Sixty-eight percent of state tourism revenue was spent in counties with at least one state park.

The LWCF assistance program is ideally suited to meet the often diverse needs of rural, suburban, and urban communities. Nationwide, state and local requests for LWCF assistance exceeded \$329 million in fiscal year 1992.

Many public park and recreation systems could benefit from both LWCF and UPARR resources. The Greater Huntington, West Virginia, Park and Recreation District is an example. The district could initiate or continue labor-intensive projects totalling \$16,155,000 to enhance resources available to about 110,000 West Virginia residents in addition to others in the tri-state area of West Virginia, Kentucky and Ohio.

Appropriations for LWCF state assistance and urban park rehabilitation would bring important advantages and alternatives to other conservation and recreation strategies. Both leverage other public and private investment--at least 50 percent additional for LWCF and 30 percent for urban parks--and both have a strong history of private sector participation. Both also have an exceptionally strong history of community-centered renewal, leading to enhanced economic viability beyond park and recreation sites. Of critical importance, both programs would support the President's overall goal to focus on those investments that bring institutional change and sustainable values.

Recreation and Conservation Through Technical Assistance

We anticipate that the Administration will continue to focus the National Park Service's technical assistance efforts on river and trail conservation strategies: We support these survey, planning and outreach efforts and appropriations sufficient to meet demands for these services. Unfortunately, the 1994 budget recommendation is particularly limited for technical review and intergovernmental assistance for the NPS Recreation Program in the National Recreation and Preservation account. The recreation program merits your strong support. We believe the nation should seize the opportunity to leverage recreation values from other federal actions, including military installations being closed and others slated for closure, and real property assets formerly controlled by savings and loan institutions. Unfortunately, NPS actions to assess these values and assist in their retention are decreasing at a time when state and local park and recreation interests in military lands, for example, are far above previous estimates. Other opportunities, such as the potential recreation use of drug-confiscated lands, make additional support an imperative. An appropriation of at least \$900,000 to provide recreation technical assistance is fully warranted.

We appreciate your continuing attention to recreation and parks and urge the subcommittee's support for these recommendations.

STATEMENT OF THE NORTHWEST PORTLAND AREA INDIAN
HEALTH BOARD

EXECUTIVE SUMMARY

The Administration's FY 1994 proposed budget for Indian Health Services calls for a 1.2% increase in overall budget authority. This insignificant increase is very disturbing and it highlights a lack of understanding regarding the extent of the health care problems facing Indian communities.

Tribes are very concerned that they will have virtually no participation or involvement in developing the final FY 94 Indian Health Service Budget. The budget hearings were held before the Administration's budget was released and no tribe had the opportunity to thoroughly review the budget in detail before written testimony was closed off. National health care reform is currently being debated and tribes are being excluded from deliberations that affect their future. This is not the way to do business with Indian tribes.

The Administration's Budget has totally disregarded the elements of the Indian Health Care Improvement Act as amended in 1992. The Administration's budget was formulated with the idea of merely maintaining the current level of services.

All budget categories of the Health Services Budget depict modest increases for mandatories and provide funds for staffing associated with new health facility construction. No other program increase was requested and most categories are negatively impacted by the "Executive Order" to reduce administrative costs. The increase in budget authority presented for Health Services was 5.0%.

The budget categories of the Health Facilities Budget did not fare as well. These categories show an overall decrease in budget authority of 16.3%. This was principally impacted by the reduction in health facilities construction projects.

Although tribes are not in the least bit satisfied with the budget numbers, it is important to acknowledge that the budget presentation itself was much improved over previous efforts. It is also gratifying to tribes that IHS has abandoned its practice of exaggerating potential revenue to offset budget authority.

There are those who say that tribes should be satisfied that the Indian Health Service Budget was not cut as is the case with many other programs. Tribes can never be content until the funding for the health care of their people reaches a level that will insure health status equal to the general population.

The Tribes of the Northwest have thoroughly analyzed this budget presentation and it is very clear that tribes must speak out against several of the budget premises. In the course of this budget review, major issues and concerns were identified and suggestions are provided that will benefit IHS and the tribes served.

No funds are designated for the Indian Health Care Improvement Fund

IHS has not budgeted any funds for the Indian Health Improvement Fund since FY 1991. In November of 1992 the Indian Health Care Improvement Act Amendments reauthorized this fund plus additional initiatives to address the unmet health needs of Indian communities. The mission of IHS is to improve the health status of the Indian population to the highest possible level and that can not be achieved without an increased service level. According to IHS, the overall program is funded at 62% of need. The following program increases should be authorized in FY 94 to meet the obligations of the Indian Health Care Improvement Act:

Hospitals and Clinics	\$25,000,000
Dental	\$ 5,000,000
Mental Health	\$ 3,300,000
Alcohol and Substance Abuse	\$ 5,000,000
Contract Health Services	\$ 8,700,000
Public Health Nursing	\$ 1,500,000
Health Education	\$ 600,000
CHR	\$ 1,000,000
Environmental Health	\$ 3,400,000
Total FY 94 Program Increase	\$53,500,000

Funding for "Population Growth" has been eliminated

Tribes have long testified that resources must increase to compensate for population growth just as they must increase for actual inflation costs. The purchasing power of the IHS resource was eroding at an alarming rate. For the past three years Congress responded in a very positive way by providing additional funds to support population growth. Tribes thought that funding for population growth was an accepted practice.

However, this year IHS did not propose any funding for population growth in any program activity. Based on the natural growth rate of 2.6%, a budget increase of \$32,351,000 for population growth should be included and spread across all affected service categories. Our proposed budget reflects this increase. Furthermore, we suggest that the increase be distributed according to the natural Indian population growth rate of the State to more accurately adjust individual budgets. We object to distributing population growth funds through "equity formulas" instead of actual population growth rates.

Inflation mandatories not adequate for CHS

The IHS proposed budget includes basic mandatories for pay raises, promotions, retirement funds and necessary inflation increases for various purchases and contracts that will be necessary in FY 93. The estimates of these requirements are in line with our expectations, with one very important exception; Contract Health Services. IHS estimates only a 5.1% inflation increase for this program.

Medical inflation, as estimated by the Bureau of Labor, indicates that the overall cost of medical care increased by 7.4% from 1991-1992. It follows that mandatories for Contract Health Service should be adjusted by 7.4% in order to maintain a level program. Therefore, mandatories for Contract Health Services should be increased by \$7,093,000 to a total of \$22,811,000. Our proposed budget reflects that change.

Deferred services are not included

The Contract Health Service unmet need (deferred services) was not recognized in this budget presentation. Nationally, the \$5,000,000 provided in FY 93 for deferred services covered only a small portion of the cases identified. It is suggested that Congress provide funding at the same rate as last year and continue to provide deferred services resources until the unmet need reaches an acceptable level. Our proposed budget reflects that increase.

STATEMENT OF HON. PHILLIP K. KABUA, CHIEF SECRETARY, GOVERNMENT OF THE REPUBLIC OF THE MARSHALL ISLANDS

In this statement, I would like to speak about the economic development of the Marshall Islands. I want to emphasize that the Republic of the Marshall Islands is something more than a former nuclear test site. It is our view that the United States Government should treat its support to the communities harmed by the U.S. Nuclear Testing Program as an obligation separate from the developmental assistance made available to the island governments. This Subcommittee has been very generous in its support for the special needs of the nuclear victims and I expect that you will continue to be responsive to their needs. But I would now like to draw the attention of the Subcommittee to the special needs of a developing country.

In particular, I wish to emphasize a significant shortcoming in the proposed federal budget for 1994: the budget does not contain funding for the \$20 million compensatory adjustment assured by Section 111(d) of the Compact of Free Association (U.S. Public Law 99-239). This amount was intended as partial compensation to the Marshall Islands for the loss of many trade and tax benefits that were originally contained in Title Two of the Compact.

You may recall how this change in the Compact came about. The Compact was being debated on the floor of the House of Representatives in 1985 when the Administration announced that it was withdrawing its support for several tax and trade benefits that had been negotiated over a fourteen-year period and were approved by the voters of the Marshall Islands in a plebiscite in September 1983. These benefits would have encouraged American investment in the islands, but they were greatly diminished when the U.S. Government caved in to the protectionist fears of several American industries that were somehow threatened by competition from the Micronesians. These drastic revisions were incorporated into the Compact as Title Four of the agreement.

Many Members of Congress were angered by this "about face" by the Administration. (Of course, we in the islands were also puzzled and dismayed.) To help the Micronesian nations recover some of the economic loss caused by these restrictions, Congress amended the Compact by adding the Section 111 compensatory

adjustments, with a provision that the freely associated states could petition Congress for additional compensation if it was warranted.

We will never know the full extent of the harm caused by these changes. But two years ago the Marshall Islands Government assembled documentation on several sectors of the economy where the impact was clear and quantifiable. I will cite just a few examples:

- * The bond issue used by my government to consolidate and retire its previous debt once the Compact came into effect suddenly became much more expensive when we lost the privilege of issuing tax-exempt bonds in the same manner as American territories.

- * Restrictions imposed by the Compact on importing canned tuna from the freely associated states delayed plans to develop a tuna cannery in Majuro and take advantage of our one readily accessible natural resource.

- * A number of promising projects in the garment industry have been squelched by the protectionist measures of Title Four.

Other sectors of our economy were also harmed by the changes imposed on the Compact. In documentation submitted to this Subcommittee we have shown that this adverse economic impact has totalled more than \$50 million.

To compensate the nation for this harm, we seek an appropriation of the \$20 million authorized by Section 111(d) of the Compact.

The Compact negotiations began in 1969 and we negotiated in good faith. And then, after signing the Compact, the United States Government backed away from several provisions that were essential for our economic development. With the amendment of Section 111, the United States Government acknowledged that it could not keep its side of the bargain, but instead would provide us with a compensatory package. We hope that the U.S. Government won't now back out of the compensatory agreement.

We need the income that was denied to us. We can apply the compensatory payment to economic development projects and to important social services.

The Marshall Islands is an enterprising nation, and we are trying to make a go of it with our very limited resources even though we don't enjoy the free trade benefits and tax breaks that were originally in the Compact. Without these advantages, our efforts at economic development have been largely frustrated.

When spokespersons for the Marshall Islands testified before this Subcommittee in years past, they would speak of the special friendship between our nations and the special sacrifices in behalf of that friendship that have been made by the Marshallese people. They would speak of the dislocation of the nuclear testing program and of the current defense testing at Kwajalein. We ask that the Congress, too, honor that special relationship.

Thank you for allowing the Marshall Islands the opportunity to make this statement.

STATEMENT OF WILBUR WILKINSON, TRIBAL CHAIRMAN,
MANDAN, HIDATSA, & ARIKARA NATION, THREE AFFILIATED
TRIBES

I am Wilbur Dale Wilkinson, Tribal Chairman of the Three Affiliated Tribes on the Fort Berthold Reservation in western North Dakota. The Three Affiliated Tribes of the Fort Berthold Reservation have received an indirect cost rate from the U.S. Department of the Interior since 1987 to 1990. During this time, the Tribal Administration has experienced actual shortfalls in the collection of indirect costs as a result of both the Bureau of Indian Affairs and Indian Health Service unwillingness to fully pay their proportionate share of the indirect costs. These shortfalls, as outlined in the schedule for "Summary of Shortfalls on Funding Indirect Cost Pool by Funding Agency", reveals that, as of this date, the BIA has shorted the Indirect Cost Pool over \$835,778 and IHS has shorted the Pool over \$283,526.

The Three Affiliated Tribes have had several meetings with these agencies to deal with these issues. The Bureau Indian Affairs has taken some steps to correct this situation; however, the Indian Health Service has simply stonewalled the Tribe. Both agencies claim that the funds available to address these issues are nonexistent, and that Congress has ignored their respective requests. This position has severely hampered the ability of the Tribe to meet cash flow requirements.

Like so many other tribes, we have suffered as a result of the Federal Government's failure to fully fund indirect costs incurred in connection with the Tribes' operation of federal programs. It seems in some ways that the "638" law and the 1988 remedial amendments were a hoax. Five years later, we still have no implementing regulations, there is long-standing litigation over the meaning of some of the key provisions and the Secretaries of Interior and Health and Human Services, in flagrant disregard of

the Act, have steadfastly refused to report indirect cost shortfalls to Congress.

The Three Affiliated Tribes is burdened with indirect cost shortfalls of \$1,823,903, of which \$1,734,597 is attributable to federal programs covering the period from fiscal year 1987 through fiscal year 1990. Despite the clear language of the 1988 Amendments in section 106(c), IHS, with an admitted agency-wide shortfall of nearly \$10 million in 1992 and nearly \$20 million in 1993, has not reported any shortfall to Congress. The total IHS shortfall of the Three Affiliated Tribes from FY 1987 through FY 1990 is \$283,527.

In May of 1992, the Three Affiliated Tribes agreed with the Regional Audit Supervisor of the Interior Inspector General's Office that they would report the Tribes' Bureau of Indian Affairs shortfall of more than \$470,000 in fiscal year 1990 to Congress as a funding deficiency rather than carry it forward in computing the Tribes' FY 1992 rate, but this has not occurred. The total BIA indirect cost shortfall of the Three Affiliated Tribes from FY 1987 through FY 1990 is \$835,779.

The Tribes' shortfall in connection with its operation of other federal programs is \$615,292 for the fiscal years from 1987 through 1990.

Congress intended that tribes be provided with no less than the full amount of need for indirect costs. (Section 106(d) (2)). It did not intend that tribes suffer serious financial hardship as a result of their administration of federal programs.

Accordingly, we respectfully request that the Committee provide monies specifically for the purpose of funding the Three Affiliated Tribes and other tribes indirect cost shortfalls. In addition, we request that each of the Secretaries be directed to report estimated shortfalls in connection with tribal operation of all federal programs to the Committee within 30 days so that Congress has a meaningful opportunity to consider this information when deliberating on fiscal year 1994 appropriations legislation.

STATEMENT OF JAMES K. WYERMAN, DIRECTOR OF NATIONAL CONSERVATION PROGRAMS FOR DEFENDERS OF WILDLIFE

Mr. Chairman, I am James K. Wycerman, Director of National Conservation Programs for Defenders of Wildlife. We appreciate this opportunity to submit testimony for the record.

NATIONAL WILDLIFE REFUGE SYSTEM

Operations and Maintenance of Wildlife Refuges

Defenders recommends a total of \$210 million for FY 94, reflecting an increase of \$49.6 million and 300 FTEs over FY 93 levels. We recommend that this increase be allocated among the following substantive areas:

General funding for National Wildlife Refuge System (\$12.5 m).

New and recently expanded National Wildlife Refuges (\$10.0 m/100 FTEs). Since FY 1988, 43 new refuges and 1.35 million acres have been added to the system without corresponding increases in O & M monies to manage these new refuges. For example, \$500,000 is needed to staff and operate the new Stone Lakes Refuge and another \$500,000 is needed to begin planning for construction of a visitor/environmental education center at this refuge.

Water rights, purchase and delivery (\$4.0 m/25 FTEs). Several refuges and fish hatcheries located in the West, including Stillwater National Wildlife Refuge, are dependent on acquisition of additional water rights. \$2.3 m needed to construct a water delivery system within the Merced National Wildlife Refuge.

Threatened, endangered and candidate species (\$10.0 m/100 FTEs).

Although the National Wildlife Refuge System contains at least 168 threatened and endangered species, recovery programs for these species have long been underfunded. These funds could be added to the operations line item.

Environmental education (\$6.0 m/20 FTEs)

Refuges 2003 implementation (\$ 0.5 m). Needed to coordinate public involvement in the EIS process and design an implementation strategy.

Land Acquisition

Defenders has joined with other environmental organizations in developing The Land and Water Conservation Fund: The Conservation Alternative for Fiscal Year 1994 and fully supports the land acquisition recommendations set forth in that report. However, the highest priority for acquisitions should be those lands which benefit the largest number of species most needing of protection. The following acquisitions would meet this objective.

Lake Wales Ridge (\$14.0 m): Located in Highland and Polk Counties of central Florida, this proposed refuge would include about 10,000 acres of rare scrub vegetation on 12 undeveloped tracts. The area contains 13 plant species that are either endangered or threatened and land acquisition was deemed essential to their survival under a species recovery plans approved in 1990. This would be the first refuge to be established primarily for protection of endangered plants and a unique vegetative community. Lower

Rio Grande Refuge (\$10.0 m): Established in 1979, this Refuge is designed to protect through purchase or otherwise 107,000 acres along a 190-mile river corridor flowing into the Gulf of Mexico. This unique corridor contains ten distinct plant communities and the best remaining habitat for 115 species of birds, mammals, and reptiles classified as endangered or threatened. Thirty species are Central and South American birds at the northern limit of their range.

Sacramento River Refuge National Wildlife Refuge (\$10.0 m): Acquisitions of seven parcels totaling 3,343 acres are critically needed to protect endangered species, fisheries, and unique habitat located in 66 riparian sites along a 100-mile stretch of the river, as recommended by the 1987 FWS Sacramento River Refuge Feasibility Study.

Stone Lakes National Wildlife Refuge (\$12.0 m): This refuge was legally established on July 17, 1992. Acquisition of five parcels totalling about 3,000 acres is needed to protect endangered species and migratory waterfowl, as well as to provide environmental education opportunities for urban residents. San

Joaquin River National Wildlife Refuge (\$14.0 m): These funds are needed to acquire 5,400 acres to finish the Mapes Ranch acquisition. Another \$3.0 million is needed for grassland acquisitions, especially to complete acquisition of the Bear Creek Ranch as required by the San Joaquin Basin Action Plan for Kesterson Reservoir mitigation. These refuge and grassland acquisitions would link other protected habitats and thereby improve coordinated management to ensure viable natural communities.

Oregon Coast Refuges (\$1.5 m): Needed for high priority coastal acquisitions at Siletz Bay NWR in Lincoln County.

Coquille River Interpretive (\$0.4 m): Needed to complete development of visitor and interpretive facilities initiated in FY 93 for coordinated program with other federal, state and local interests in Coquille River estuary area at Bandon in Coos County, Oregon.

Black River Wetlands (\$2.5 m): Needed to acquire 1,250 acres and create the Black River NWR. This is the largest remaining undisturbed freshwater wetland system in the Puget Sound region of western Washington and contains a wide variety of fauna and flora including sedge ferns, shrub thickets, forested wetlands, and a sphagnum bog.

Bakones Canyonlands NWR (\$5.0 m): Located in Travis County near Austin, Texas, this refuge will contribute to implementation of habitat conservation plan developed by diverse interest groups to address the needs of several endangered species.

Trinity River-Proposed NWR (\$5.0 m): 50 miles NE of Houston, Texas, this rapidly declining bottomland hardwood habitat will be sold for development if not purchased by the Service.

Tualatin Valley NWR (\$3.5 m): Near Portland, Oregon, this refuge provides wetland habitat to 200 species, plus educational and recreational opportunities for urban populations.

BUREAU OF LAND MANAGEMENT

Land Acquisition

New River (\$1.5 m): These funds would be used to acquire land and conservation easements along the New River estuary in Coos and Curry counties. This area has been designated an "Area of Critical Environmental Concern" by BLM and is a mix of freshwater and estuarine wetlands, sand dunes, coastal forest and agricultural lands. It contains a mix of habitats, native salmon runs and several threatened and endangered species.

U.S. FOREST SERVICE

Land Acquisition

Tate's Hell Swamp in Apalachicola National Forest, Florida (\$5.0 m): Needed to acquire 17,557 acres that are critically important as habitat for the threatened black bear and reintroduction sites for the Florida panther and red wolf.

Pinhook Swamp in Osceola National Forest, Florida (\$4.0 m): Needed to continue acquisition program designed to provide a wildlife migration corridor between the Osceola and Okefenokee NWR and to preserve a potential site for reintroduction of the Florida panther.

Louisiana black bear: We recommend that funds available from the Land and Water Conservation Fund be used to purchase protective easements from private landowners with holdings on bear habitat. Such funding would not only help recover the bear, but would also provide a financial incentive to cease unsustainable practices on marginal land. A total of \$9.2 million is needed for habitat acquisition for Tensas NWR (\$2.0 M for land acquisition from willing sellers, \$5.2 M for habitat acquisition from willing sellers, \$2.0 M for purchase of corridors). Also needed are 0.6 m for research on restoration needs in LA, MS, and TX and 0.33 m/1 FTE for the work of the Black Bear Conservation Committee.

Grizzly Bears: As a top priority we support funds to evaluate linking existing grizzly bear ecosystems. From a landscape level perspective this study will be extremely valuable and provides benefits to other large carnivores (i.e. wolves, wolverines, fisher, lynx). Ideally an additional \$200,000 for the Fish and Wildlife Service would be set aside for this purpose.

Maritime National Wildlife Refuge: Habitat restoration, enhancement of \$0.583 million/3 FTEs; establish 5 seabird monitoring sites, enhancement of 0.200 M/6 FTEs; identify and reverse causes of seabird declines, enhancement of 0.125 M/2 FTEs.

STATEMENT OF RODGER SCHLICKEISEN, PRESIDENT, DEFENDERS OF WILDLIFE

Defenders of Wildlife appreciates the opportunity to submit an overview of our suggestions concerning 1994 appropriations. We are enthusiastic about the new initiatives proposed by the Secretary of Interior, and encourage the committee to make every possible effort to allocate funds to programs that protect and restore entire ecosystems, and are therefore, most likely to prevent species from becoming endangered.

Summary of Long-Term Goals

Managing land and species to conserve biodiversity and ecosystem function presents resource agencies with significant challenges. Existing institutions were established for other reasons, primarily to extract commodities such as timber, livestock forage, minerals, game and fish.

More recently, we have entered a crisis management mode in response to an ever-increasing list of endangered organisms. Clearly, addressing them one by one as they slip toward extinction is not working, does not constitute effective public policy, and will not be cost effective in the long run.

We need the Endangered Species Act, not as a primary means of conserving a broad range of species, but as a safety net. The Act is being used as a substitute for a coherent, long-term conservation program that prevents species from becoming endangered.

Currently, resource agencies pay little attention to organisms that are neither endangered nor desired for food or fiber. The cumulative effects of fragmenting land, diverting water, converting diverse forests and rangelands to monocultures, introducing exotic organisms are largely ignored. We clearly have no coherent strategy for coping with an "extinction crisis" unparalleled in 65 million years.

Reauthorizing the ESA is necessary, but not sufficient. Serious attention must be given to long-term programs that effectively prevent endangerment. To do so requires looking holistically at systems, not just pieces of the puzzle or one threat after another, viewed in isolation.

Existing budget categories and funding allocations exacerbate the problem by perpetuating the status quo—channelling the money into established programs while starving innovative, nontraditional efforts.

We suggest that now is the time to consider substantive changes. We need to look closely at resource agency programs and allocate a greater share of available funding to programs consistent with the guidelines listed below. In essence, programs should:

- 1) Help maintain or restore sustainable systems.
- 2) Focus on a broad range of species and habitats.
- 3) Prevent native species from becoming endangered and restore those now in jeopardy.
- 4) Assist the public in understanding ecosystems and how they function.
- 5) Provide resources for people on a sustainable basis.
- 6) Provide outdoor recreational opportunities for a broad cross-section of the population.
- 7) Provide opportunities and incentives for individuals and businesses to get involved in conservation.
- 8) Require that buildings, roads, and other structures meet strict environmental standards to avoid overbuilding.
- 9) Make efficient use of public funds by avoiding duplication of effort and holding public officials accountable for results.

Defenders' staff works closely with state and federal resource agencies and is familiar with several existing or proposed programs that meet the guidelines above. As an interim strategy, we recommend that the committee adopt the funding levels below for FY 1994.

FY 1994 Funding Request

Gap Analysis, USFWS. The Gap Analysis Project (GAP) is an inventory of the nation's biodiversity that seeks to identify lands of ecological significance that remain unprotected. This project, when completed, will help guide land acquisitions, provide assistance to developers and resource extractors attempting to work in the least sensitive areas, and provide the data for cooperative, interagency planning efforts. Conducted by the U.S. Fish and Wildlife Service, this important inventory is now underway in 23 states. An additional \$2.7 million is needed by the Fish and Wildlife Service Cooperative Research Units in FY 1994 to facilitate completion of the entire country by the year 2000. At existing funding levels, completion will be delayed until the year 2006. The Fish and Wildlife Service also needs an additional \$1 million to incorporate aquatic ecosystems.

Gap Analysis Interagency Coordination. One of the strongest features of GAP is its flexibility in accommodating data layers previously developed for other purposes. For example, State Natural Heritage data on rare species, National Wetland Inventory data, even information on soils, toxics, and demographics can be incorporated into the data base. The complete cooperation of all resource agencies is essential in making the maximum use of GAP data. To date, direct participation of federal resource agencies in GAP has been sporadic and localized. A commitment is needed from all federal resource agencies to work together in the collection, analysis, and application of monitoring, inventory, and other ecological research to avoid duplication of effort and to provide more consistent and reliable information upon which to make decisions.

We recommend the following report language for NPS, the Forest Service, and BLM: "The committee expects that _____ will fully cooperate in the development and application of GAP data to facilitate landscape-level planning and management of public lands to conserve biodiversity by protecting and restoring ecosystems. Specifically, each agency will use consistent terminology, standards, and scales."

GAP Data Transfer. GAP data will not be used to the maximum advantage unless they are presented in a user friendly format and fully integrated into cooperative planning efforts. We recommend that \$3 million be appropriated to the Fish and Wildlife Service to fund activities related to the distribution of GAP data, and development and implementation of interagency, public/private, landscape-level plans. Some of the funding should be used for grants to state and local resource agencies to facilitate their participation.

Defenders has worked closely with federal and state agencies to develop specific implementation proposals. We suggest that the funds be earmarked for Fish and Wildlife Service Regions 1 (Washington, Oregon, Idaho, California), Region 4 (Tennessee), and Region 6 (Colorado).

Watchable Wildlife is a cooperative program involving state and federal resource agencies and private organizations. It has over 200 cooperators in 30-plus states. The program addresses recreation, education, and conservation, and it focuses on economic development in many communities attempting to enhance tourism. Funding needs are for Watchable Wildlife coordinators (FS: one per region at the forest level plus a full-time national coordinator—total 20 FTEs; FWS: one per region—total 7 FTEs; BLM: one per state—total 13 FTEs). The agencies also need funding for facilities, interpretive programs. Total funding needs: FS: \$6.3 million; FWS \$4.6 million; and BLM: \$5.2 million with explicit report language earmarking the funds for Watchable Wildlife).

Missouri River Basin Interagency Initiative headed by region six of the FWS should be provided with a total of \$600,000 primarily through Fish and Wildlife Management Assistance for a multi-species ecosystem conservation effort already underway.

Nevada Biodiversity Initiative. Nevada is the first state to receive federal funding for a cooperative effort between the Fish and Wildlife Service, Nevada Department of Wildlife, and the University of Nevada - Reno to develop and implement a statewide biodiversity plan. FY 1994 funding needs are \$2 million.

Riparian Rehabilitation and "Bring Back the Natives". The Bureau of Land Management is attempting to restore riparian systems throughout the West damaged by overgrazing. Total FY 1994 funding needs are \$18.1 million. "Bring Back the Natives" is an aquatic habitat restoration effort involving BLM, Forest Service, and the National Fish and Wildlife Foundation. The program focuses on watershed rehabilitation, and benefits a broad range of species, including fish, amphibians, and birds associated with riparian ecosystems throughout the western U.S. Total funding needs are \$6.1 million for BLM and \$10.27 for the Forest Service.

Neotropical Migratory Birds. This initiative, called "Partners in Flight" was organized by the National Fish and Wildlife Foundation and involves hundreds of organizations and agencies throughout North and South America. It focuses on inventory, education, and conservation of tropical and temperate habitats for migratory songbirds. We recommend total funding levels as follows: \$700,000 for BLM, \$7.1 million for the Forest Service, and \$5.42 million for the Fish and Wildlife Service.

Biodiversity Training. The Bureau of Land Management's Phoenix Training Center has developed several outstanding interagency courses on biodiversity. The three existing courses could be offered six more times each in FY 1994 with 6 new FTEs and an additional \$1.35 million. Substantial expansion of other courses addressing ecosystem management across a variety of Bureau activities (range, endangered species, etc.) would be possible with 28 new FTEs and \$7.4 million in additional funds. However, report language should explicitly prevent the Phoenix Training Center from allocating excessive administrative costs to the biodiversity programs.

Ecosystem Management/Restoration/Special Habitats. The Forest Service has initiated a program to step up the inventory and monitoring of species and habitats, and to enhance the management of snags, wetlands, and riparian areas to benefit a broad range of species. Substantial additional funds are needed to accomplish these ecosystem restoration and protection goals. We recommend \$10 million in FY94.

Fish and Wildlife Conservation Act and the Wildlife Partnership Act provide vehicles for federal agencies to make grants to states for more comprehensive wildlife conservation programs. These grants are critical to the process of broadening Fish and Wildlife agencies' constituencies beyond the traditional users. We suggest \$5 million for the Fish and Wildlife Conservation Act and \$6.25 million for the Wildlife Partnership Act.

The National Fish and Wildlife Foundation has been instrumental in the initiation and financing of pilot biodiversity programs. Specifically, the Foundation has supported GAP, Watchable Wildlife, Neotropical Migratory Bird Conservation efforts, and other programs. We recommend an overall budget of \$10 million for the Foundation from the Fish and Wildlife Service and \$2 million from the Forest Service.

North American Wetlands Conservation Act. Finally, we recommend that the full \$15 million be appropriated to fund the implementation of the North American Waterfowl Management Plan on the condition that the report language directs the name to be changed to the North American Wetland Conservation plan and that the highest funding priorities be projects most likely to meet biodiversity and duck production goals.

National Park Service. We recommend an overall funding increase to address the tremendous backlog of deferred maintenance projects for park facilities to allow the agency to fully inventory and monitor the biological resources within the parks, and where necessary, take management actions to restore damaged ecosystems. We also encourage the committee to provide additional funds for education and interpretive programs, participation in landscape-level inventory (GAP), and cooperative planning with other landowners. Specific line-item funding requests are not included in the summary table on page 4.

Long-Term Strategies

In the long run, we strongly urge the committee to consider the degree to which funding allocations and budget categories for Interior and Forest Service either encourage or discourage programs likely to protect biodiversity and support the maintenance or restoration of sustainable systems. Specifically, we recommend the following:

1. Existing budget categories, especially timber, range, etc. tend to inhibit rather than encourage ecosystem management programs. New categories need to be developed that are specific enough to facilitate accountability but focused more on landscapes, habitats, regions, groups of species. At a minimum, a new category is needed to cover holistic, biodiversity-oriented programs. The category should be consistent for all agencies.

2. The General Accounting Office is conducting an analysis of the degree to which resource agencies are effectively implementing biodiversity and ecosystem management programs. Funding patterns should be included in this inquiry. The GAO should be invited to share its findings with the subcommittee in oversight hearings when the study is completed.

3. If some funds were allocated geographically, rather than divided into small categories within multi agencies, it would provide an incentive for agencies to cooperate and plan across political boundaries. Establish a fund for planning and implementation efforts that a) are bioregional or statewide in focus, b) include diverse interests and both state and federal resource agencies, and c) include measurable goals. Funds could be allocated to a lead agency for distribution to other participants.

4. In the face of declining revenues, special programs and projects are often funded at the expense of less glamorous, yet critically important, ongoing conservation activities. Inventory and monitoring of biological resources often suffers as a result. Lack of consistent standards, classifications, computer programs, timing, and other characteristics of resource agency programs contribute to overall ineffectiveness. As the Interior Department works to consolidate its research functions under a biological survey division, other agencies, such as EPA and the Forest Service should be included. *Adequate funding must be provided for inventory and monitoring, but only if data are standardized across agency lines, available in a useable format, and actually incorporated into land management decisions.* We urge the committee to require better accountability from the agencies.

5. Ultimately, resource programs in general must be more focused (i.e., better coordinated, and more efficient) and better funded. In 1988, the Congressional Budget Office concluded that legislation to ensure a better return on the sale or use of natural resources could generate an additional \$4.5 billion in revenue and savings in FY 1993-97. The rates paid by users of the federal lands for minerals, timber, livestock forage, and recreation are shameful. A small percentage of these receipts, if collected at fair-market value could fund a substantial and effective biodiversity conservation program that would help prevent species from becoming endangered.

STATEMENT OF JOHN FITZGERALD, DIRECTOR OF WILDLIFE LAW AT DEFENDERS OF WILDLIFE

Mr. Chairman, I am John Fitzgerald, Director of Wildlife Law at Defenders of Wildlife. I appreciate the opportunity to submit testimony to cover endangered species and related programs. In recent years, some have attempted to override, suspend or amend existing law with amendments to the Interior Appropriations bill. We acknowledge gratefully your defense of conservation law and science throughout the 102d Congress. We hope that the Committee and the Congress will continue to reject any attempt to amend this vehicle to undermine the Endangered Species Act or any other wildlife conservation law such as the National Forest Management Act or National Environmental Policy Act. Specifically we ask you to reject amendments, for example, delaying wolf reintroduction into Yellowstone Park or requiring a certain level of timber production or designating areas of harvest in a manner contrary to existing law.

FISH AND WILDLIFE SERVICE: Endangered Species:

Prelisting: The Service should develop clearer criteria to reverse the current practice of waiting until there are so few of a species -- a median of less than 1000 of each plant species and little more for animals -- before they are listed. Funds should not be used to attempt to avoid listings for species at anywhere near such low levels. The FWS should develop a program to list and conserve indicator, keystone, significant risk, or benchmark species for ecosystems covering all candidates and proposed species, which would be a major step toward implementing the requirement of § 5 for a conservation program for all fish, wildlife and plants, and the candidate monitoring amendment of 1988. Thus \$1 million (MM) should be added for this aspect of the § 5 program.

Listing: We recommend that at least \$7 million be allocated in order to increase the pace of listing candidates as required in a settlement Defenders and other plaintiffs recently concluded with the government. Candidate species can be listed efficiently through geographic or taxonomic packages, as indicated in our settlement. These funds are also needed to make critical habitat determinations at listing and for listed species without critical habitat.

De- and Downlisting: No increase. The FWS should be reminded that funds are to be used for species of greatest need and that delisting at a time when thousands of candidates need protection and the overall capability for action is limited may be warranted but precluded by the duty to list species of higher need.

Consultation: A net increase of \$14MM with 1.5 devoted to the restoration of consultation concerning species overseas affected by U.S. agency actions here or abroad. The Service has the capacity to implement the promise of Candidate Clinton (and all other Democratic candidates) to Governor Babbitt's League of Conservation Voters to restore the full global scope of this process. A June Supreme Court ruling in *Lujan v. Defenders et al.* considered our standing to sue on the facts pled in one situation only and not the question on the merits. A District Court and the 8th Circuit ruling on the merits in our favor are likely to be repeated in any new cases brought. This subcommittee has recommended in the past that the FWS provide consultations in regard to foreign assistance. Further, the ESA allows both general exemptions and more rapid national security exemptions, if necessary. For a very small investment, this Subcommittee has an opportunity to establish a program that will do more to prevent extinction worldwide than perhaps any other single step we can take as a nation. Also needed is \$1MM to help implement §7(a)(1), for FWS work with the other agencies to set up the programs required in that section to use their authorities to assist in the conservation of listed species.

Wildlife Permits OMA/CITES: 1 MM over base: We request an additional \$700,000 for the implementation of the Wild Bird Conservation Act of 1992 for new regulations, monitoring, collection, analysis, and document processing for the conservation of exotic birds; and \$300,000 to host the 1994 meeting of delegations of parties to CITES and NGO's and taking a greater part in international trade issues affecting wildlife.

Recovery: A total of \$20.5 million: At least \$1 million of the increase should be devoted toward recovery planning and implementation for species affected or potentially affected by U.S. agency actions overseas under §4 and §7(a)(1). Also, \$1MM for regional and field offices for outreach to each federal agency to implement its §7(a)(1) affirmative conservation duty and \$1MM to assist in developing the §5(a) comprehensive fish, wildlife and plant conservation program.

Grizzly: We recommend that \$80,000 be allocated for continued augmentation of grizzly bear populations in the Cabinet/Yaak ecosystem. This will provide important information about restoring large predators in other locations across the country. A priority is to urge federal agencies to initiate implementation of the grizzly recovery plan for the Bitterroot Ecosystem. Environmental review should begin by January, 1994.

Northern Rockies Wolf: we recommend a release in FY94 in central Idaho and Yellowstone. Acclimation pens would be set up and preparations made (studies of donor populations; review of rules and regulations concerning transport of these animals, etc.) for wolf reintroduction in early '95 with wolves placed in the acclimation pens by late '94. This requires \$773,000--\$350,000 to complete the EIS (FWS - \$200; NPS - \$150); and \$423,000 to implement the final alternative (FWS - \$225; NPS - \$198). An additional \$920,000 is required to support general wolf recovery activities at FWS field offices in Helena (\$300); Boise (\$200); Cheyenne (\$200); Olympia (\$200); and North and South Dakota (\$20). These funds are critical to wolf recovery in the Northern Rockies and should not be considered secondary to the EIS funding. We also support an \$80,000 funding allocation for an ADC Wolf Management Specialist. \$230,000 should be allocated for recovery programs in Montana, Idaho, Wyoming and North and South Dakota. \$150,000 should be provided, through Region One, for the development of an interagency program to monitor and manage wolves in the northern Cascades.

Eastern Timber Wolf: \$390,000 is needed to continue the predator-prey studies in Northern Minnesota and Wisconsin.

Red wolf: The red wolf recovery program in the Southeast United States continues to be successful with the recent release of a breeding pair to the Great Smoky National Park. \$665,000 is needed to continue captive breeding and recovery efforts, a percentage of which should be shared cooperatively with the National Park Service. \$400,000 is needed to create and to implement a recovery plan for the newly listed Louisiana black bear.

Mexican Wolf: 450,000 beyond the base budget of \$150,000 for a total of \$600,000 in FY94.

Black-footed Ferret recovery -- \$500,000. Two introductions are proposed during the next year (MT & SD), we suggest adding to these.

Law Enforcement: Endangered Species: An increase of \$4.5 million should be provided for endangered species law enforcement. The increase should be directed largely to the development of accurate information for the public concerning the extent to which habitat conversion is and is not a violation of the Act in regard to the various listed species. This program should be coordinated with the land acquisition programs of federal agencies to target funds to areas of potential conflict and high habitat value. The increase should also be used to ensure compliance with §7 and §10 incidental takings statements and permits and the ground-truthing of other commitments made in biological opinions and the development of guidelines for enforcement in conjunction with those reviews. Additional funds should be devoted to protection of plants on federal and non-federal lands using the additional scope of the 1988 plant amendment. Added funding is needed to help the Cites Section and other nations stem trade in tiger, rhino, and bear parts which may literally be driving certain species into extinction in the 1990's.

Law Enforcement: Non/ES: We request \$28,442,000 to fund new initiatives within the Division of Law Enforcement for expanded efforts along the United States' Northern and Southern borders, Yukon-Kuskokwim Delta, and in the Pacific Islands. We recommend \$2,750,000 for 25 additional wildlife inspectors, \$16,500,000 for 150 special agents. \$55,000 would be used for design and construction of necropsy and toxicology facilities at Clark R. Bavin National Fish and Wildlife Forensic Laboratory. Approximately \$825,000 of the quoted amount is needed for enforcement of the Wild Bird Conservation Act of 1992. Only a small percentage of smuggled birds are being protected and intercepted. Eight additional wildlife inspectors at approximately \$55,000 each (\$440,000 total) and three special agents at approximately \$110,000 each (\$330,000 total) are needed along the borders and at major ports to meet the enforcement demands of the NAFTA and related new legislation. To cover travel expenses associated with the monitoring effort, an amount of \$55,000 is needed.

Rewards: Defenders has announced that we will offer rewards for information for information provided to the FWS concerning the illegal taking of or trade in Louisiana Black Bears. To supplement these and to help all listed species, we recommend an increase of \$250,000 for an aggressive program of promoting and expanding the existing reward program beginning with the Louisiana black bear.

Grants to States: \$17 MM. In addition to the regular recovery work this could also help fund state and community-based habitat conservation plans for ecosystems shared by listed and candidate species.

African Elephant Conservation: The Foreign Operations and Interior Subcommittees should together ensure full funding of the authorized amount (\$5 million plus fines) on the condition that no funds be used to encourage or assist market harvest of elephants until they are downlisted on both CITES and ESA lists throughout Africa.

FWS Natural Resource Damage Assessment: An additional \$5 million would better enable the FWS to develop a cost analysis program in order to recover the cost of restoring listed species where authorized to do so.

WIIIC: Under authority of the Western Hemisphere Convention (WIIIC) the Fish and Wildlife Service (FWS) is supporting a number of major, long-term habitat protection initiatives such as Latin American fauna and flora documentation centers, graduate level training in biodiversity management and environmental education, and the training of managers in protected areas. Defenders requests \$2MM for the Western Hemisphere Convention in FY94. This would include a 0.7M restoration and a 0.3M enhancement above FY '93 funding in order to sustain major initiated programs while expanding its support for projects throughout Latin America.

NAFTA: Our concerns regarding adequate NAFTA funding fall into two broad categories: 1) conservation on the U.S. side of the (Canadian and Mexican) borders and, 2) U.S. cooperation with Mexico. Since 1974, the U.S. and Mexico have implemented various cooperative conservation programs through the Joint Committee on Wildlife and Plant Conservation. As a result of trade and investment generated by NAFTA, we must now increase cooperative efforts in order to assess NAFTA's environmental impacts, provide expertise on land use planning and wildlife/habitat protection, and facilitate sufficient training. We recommend that the FWS receive \$2 million in FY94 for cooperative efforts and that this assistance continue for the foreseeable future. FWS has estimated that over \$24 million will eventually be needed to adequately address a successful cooperative program. In addition, U.S. aid should be explicitly tied to a demonstration of specific enforcement of existing Mexican environmental standards.

Contaminants: \$1MM should be added to assess and report to the Congress and the Consultation program on the reproductive and other failures and diseases caused or associated with exposure to various chemicals as

documented before this committee today and the Senate Gov. Affairs Committee Oct. 2, 1991, in the testimony of Dr. Theo Colborn and others.

BUREAU OF INDIAN AFFAIRS: The BIA should be provided with \$1MM for section 7(a)(1), 4 and 5 wildlife conservation and recovery work with the aim of ensuring that all BIA programs complement recovery and conservation goals of the Act and the Department. For example, Prairie dogs/black-footed ferrets: The Cheyenne River Sioux and other tribes need a total of \$10 million to implement prairie management plans that do not utilize chemical methods of control. For FY94, we recommend that BIA and/or FWS receive \$1 million for this purpose.

BUREAU OF LAND MANAGEMENT: The budget of the Bureau of Land Management's Special Status Species Program should be increased from the FY93 levels. Without this funding a number of critical projects may be underfunded; e.g. in California, the implementation of a coordinated management plan for the spotted owl in the Klamath basin. For the black-footed ferret, determination of additional suitable sites for reintroduction in Colorado. In Utah, site inventory and preparation for black-footed ferret reintroduction.

Most importantly, in order to facilitate recovery and to reduce all possible incompatible uses of tortoise habitat and accompanying habitat recovery costs -- livestock grazing permits should be eliminated on potential desert tortoise habitat receiving an average rainfall of less than twelve inches annually. Market rates should be charged for any environmentally sustainable grazing and other uses on the remaining BLM and other public lands with half the proceeds going to restoration and conservation.

NATIONAL PARK SERVICE: As the lead agency on the wolf reintroduction EIS, the National Park Service requires \$150,000 to complete EIS and \$198,000 to implement the final alternative, in addition to the FWS appropriation requirements, for wolf reintroduction in Idaho and Yellowstone. Another \$1MM is required to coordinate section 7(a)(1), 4 and 5 work with particular regard to such critical areas as the Everglades.

FOREST SERVICE: Threatened, Endangered and Sensitive Species Management ("Every Species Counts") funds should be provided in full at \$113 million for opportunities identified; Of that, at least \$600,000 should be spent for wolf recovery in the Great Lakes and \$1,200,000 for wolf recovery in the Rocky Mountains; \$25,000 is also required for red wolf management and education programs in the Cherokee, Pisgah and Nantahala National Forests. At least \$300,000 should be allocated for each region and \$300,000 for the Washington office to implement the Endangered Species Act requirements in each element of the Services' program, such as state and private forestry, outside of the wildlife T&E program. In addition to the traditional species-by-species allocation for T&E species management, the Forest Service should also receive at least \$4.5 million to pursue its ecosystem management initiative.

SUSTAINABLE ECONOMIES TRANSITION ("SET") PROGRAM: A multi-agency program, "SET", would assist communities and local businesses to get "SET" to make the transition to sustainable natural resource use, beginning in areas affected by the need to conserve rare or declining wildlife and ecosystems. Implementation of this program would not be contingent on amending any law, but would use existing authorities to conserve both wildlife and local economies. This would help fulfill our nation's promise of sustainable practices in Rio in our pledge to carry out Agenda 21 and to do all the conservation work required by the Biodiversity Treaty even if we have not yet ratified it. Funds for "SET" and the other enhancements recommended above could be derived from reductions in subsidies for non-sustainable uses such as below cost timber sales and excess road building in forested areas (\$ 250 million), below market grazing fees (\$135 million), uncollected royalties from mineral extraction from public lands (an estimated \$200 million to \$1 billion), uranium fuel enrichment (estimated at \$4 billion). In addition to general long term redirection of funds we recommend allocations for FY94 to several programs: \$2 million to the ecological services work of the Fish and Wildlife Service, \$20 million to the Forest Service for state and private forestry initiatives, and \$7 million to the Bureau of Land Management, in order to assist the other programs in creating sustainable land use programs as described above and in our supplemental stimulus package material submitted earlier this year. Thank you, Mr. Chairman, that concludes my testimony.

STATEMENT OF JOHNATHAN L. TAYLOR, PRINCIPAL CHIEF, EASTERN BAND OF CHEROKEE INDIANS

Mr. Chairman and Distinguished Members of the Sub-Committee on Interior and Related Agencies, I am Jonathan L. Taylor, Principal Chief of the Eastern Band of Cherokee Indians. Thank you for providing me the opportunity to provide written testimony. Our Tribe consist of 10,700 members and our reservation contains 56,000 acres. We are located in the western part of the State of North Carolina, directly adjacent to the Great Smoky Mountain National Park.

President Clinton issued a statement of support for tribal sovereignty and affirmed his intent to pursue government-to-government relationship between the federal and tribal governments. The President also affirmed that his administration will give tribal government say in distribution of federal funds geared toward economic growth, universal access to quality, affordable health care and improved education.

EDUCATION - Over the years, we have been faced with several factors which effect the education of Native Americans. These include: fluctuating federal Indian education policies; undependable or insufficient funds for Indian education programs; inconsistent funding patterns; competition by federal, state and local governments for exemption from financial responsibility for Indian education; conflict between financial responsibility and program responsibility. I recommend to Congress that Indian education must be clearly defined as a "federal entitlement" program and treated

accordingly. This would secure them from laws intended to decrease the federal budget deficit and make them immune from budget cuts. All Indian education programs should be adequately funded from pre-school through post-secondary levels.

SCHOOL CONSTRUCTION - In order for our Tribe to continue to provide quality education, we need funds for school construction. With the increase of student enrollment and the expansion of supplemental programs such as Special Education, our space needs have subsequently increased.

ISEP FUNDING - In spite of previous cutbacks in BIA education funding, our school which is now operated by the Tribe through the PL 100-297 grant system, continues to provide a quality educational program for our children. Our major concern is that the per student funding level remains far below national and state expenditure levels. For our Indian schools to realistically embrace and strive towards the national Educational 2000 goals, we must receive adequate funding to provide the minimum basic education requirements, but even more important, funding to enrich those basic programs.

TRANSPORTATION - For the first time the BIA has developed a realistic and workable formula for allocating school transportation funds that is agreeable with us but the lack of full funding this year continues to cause problems. I urge Congress to appropriate the full amount generated by the formula.

ELEMENTARY AND SECONDARY EDUCATION RE-AUTHORIZATION ACT - I wish to express concern regarding the Reauthorization of the U.S. Department of Education (DOE) Elementary and Secondary Education Program which expires September 30, 1993. It is being proposed to add DOE program funding to the Department of Interior appropriations, thereby removing the responsibility for DOE funded programs for Indian children to the Interior. If the Department of Interior is required to request these funds, we have no guarantee that these funds will not affect the Department of Interior funding ceiling. In addition to this concern, under the present DOE funding system the BIA is considered a "State" for funding purposes so we benefit from the advocacy for continuation of funding for these programs that comes not only from Indian country but from the national consistency. I wish to express my support of leaving the DOE funding system as it is written under the present authorization.

HIGHER EDUCATION, ADULT EDUCATION AND ADULT VOCATION TRAINING - Funding is insufficient for post-secondary Native Indian students pursuing graduate, undergraduate and associate degrees. In order for our Tribe to succeed economically and strengthen our community, the educational needs of each Tribe must be fully funded. As Principal Chief, I am dedicated to supporting our education program because our youth of today, hold our future for tomorrow. This year our Tribe funded 117 students in Higher Education and 40 students were unfunded, which created a shortage of \$120,000. The Adult Education Program funded 146 students and we faced a shortage of \$103,000. Our Adult Vocational Training Program funded 29 students and had 113 students on a waiting list. This program faced a shortage of \$565,000. All students were required to seek financial aid before applying to our program. Our Education Department staff provided resources available to students and approximately \$450,000 additional scholarship awards were received. Our education programs have extended out to their maximum capability and still suffer shortages in funding students adequately. It is disheartening to deny qualified students appropriate educational opportunities.

LAW AND ORDER - Since 1951, the Cherokee Tribe has operated our own Police and Fire Department at no cost to the federal government, which is certainly unique in Indian Country. The Cherokee Police Department has nineteen officers, two investigators, four dispatchers and a records clerk. The total funding needed to adequately operate this department is \$1,500,000 per year. This year our Police Officers assisted with two disasters: a flood this past fall and a snow blizzard this month. Our Police desperately need funds for 2 four-wheel drive vehicles, additional police cars, uniforms, vehicle maintenance, radio equipment, training funds, etc. Over the years, our Police Department has grown and progressed so much that it is impossible for the Tribe to carry the financial responsibilities of the Police Department. It seems appropriate for the BIA to fully fund our Police Department, just as they have funded other Tribal Police Departments. Our Law Enforcement Program should have adequate staff and equipment to ensure the safety of the residents living on our Reservation.

ECONOMIC DEVELOPMENT INFRASTRUCTURE - In order to promote and attract economic development related projects to Reservation communities, it is essential that basic infrastructure exists to support business development activities. At Cherokee we have placed the achievement and development of basic water, sewer, solid waste, streets/roads, sidewalks and street lighting as a high priority. We strongly encourage Congress to incorporate these basic economic and community needs within the appropriations of the Bureau as well as the Indian Health Service.

ECONOMIC DEVELOPMENT INCENTIVES - Reservation Communities like many inner city communities experience extremely high levels of poverty, social problems, unemployment and underemployment. This is primarily the result of difficulties in attracting business and industry to locate within Reservation communities.

I feel a mechanism to make Reservation communities attractive to capital investment is necessary to overcome the many trust and red tape obstacles which currently inhibit economic and community growth within our respective jurisdictions. The following suggestions are for the Committees consideration: (1) Establish Reservation communities as Enterprise Zones and provide special investment tax or related incentives for business investment on Tribal lands. (2) Streamline, expand the Bureau's Indian Business Development Grant and Loan Programs. Additionally, the incorporation of realistic response times within the Bureau, on applications submitted under the Indian Business Development Program is necessary. Our experience is that these long response times cause Tribal members difficulties in negotiations with the conventional lending institutions in the development of business finance packages. (3) I have testified before this committee many times requesting that approval authority for leases over ten (10) years be granted to the Agency Superintendent. Long delays in the approval process within the Area Offices costs the Tribe significantly in our efforts to attract business and industry. Private sector is not accustomed to this long process thus unnecessary fears arise concerning doing business within an Indian community. We have recently experienced this in our efforts to attract a major grocery chain to our community.

Finally, I request that the provisions of resources within the Bureau be utilized to support the development, promotion and enhancement of tourism within Indian communities. Seventy-Five Percent (75%) of our industry is tourism. Competing for tourist dollars is competitive and we are having difficulty finding adequate resources to promote the Cherokee community in a professional manner. Our neighbors in Eastern Tennessee spend millions of dollars each year in advertising, yet we were only able to spend some \$200,000 per year in our promotions program.

BIA NATURAL RESOURCE PROGRAM - On our Reservation alone we support some 80,000 fishing trips annually and stock over 400,000 catchable fish annually each year. To provide the necessary management and enforcement of these vital resources adequate funding is essential. Thus, I strongly encourage the committee to fully fund the needs of the Bureau's natural resource program. At Cherokee alone, we need a minimum of \$250,000 each year to manage fish and wildlife and habitat improvements.

ROADS - If we are to ever break the poverty cycle through economic development, the BIA funding for road construction and maintenance must be increased. Our much needed essential projects are currently on backlog lists that are more than ten years old.

HIP HOUSING - Over the past several years, HIP only allocated funding for home renovations for the elderly and handicapped. These people don't qualify for any other housing program. At the present time, there are two hundred (200) people on a waiting list. This funding should be increased as well as funding allocated for new construction. Our current allocated funding only meets approximately twenty-five percent (25%) of our needs.

GAMING - Gaming revenues have proven to be a critical aspect of economic growth in Indian Country, providing funding for delivery of basic government services to reservation residents (Indian and non-Indian), as well as assisting the development of Tribal and private business enterprises on reservations. The Administration should support legislation that would take the states out of Class III gaming compact negotiations in cases where states refuse to negotiate in good faith or resort to litigation challenging the constitutionality of the IGRA. In such cases, the law should authorize negotiation between tribes and the Secretary of the Interior or some other federal official to set the parameters of Class III gaming.

CONTRACT SUPPORT COSTS (INDIRECT COSTS) - The Eastern Band of Cherokee Indians operates the Cherokee Health Delivery System, which is a PL 93-638 contract from the Indian Health Service. The Tribe has been forced by the Department of Health and Human Services, through the Indian Health Service, to absorb programmatic shortfalls in negotiated Indirect Cost Agreements utilization of current Direct Program Dollars which were meant to be utilized for the direct delivery of health services to our people.

STATEMENT OF THE NATIONAL INDIAN EDUCATION ASSOCIATION

The National Indian Education Association submits this statement to the Senate Interior Appropriations Subcommittee concerning FY1994 budget proposals under this Subcommittee's jurisdiction which affect Indian and Alaska Native education. We will discuss programs directly related to Indian and Alaska Native education in the Bureau of Indian Affairs, the Department of Education, and the Indian Health Service, and have attached a summary of our appropriations recommendations.

We provided separate testimony to this Subcommittee with the Keepers of the Treasures: Cultural Council of American Indians, Alaska Natives and Native Hawaiians, the National Congress of American Indians, and several tribes concerning tribal historic preservation and tribal repatriation grants.

BUREAU OF INDIAN AFFAIRS

- Proposed bill language affecting Alaska schools. NIEA was disturbed to see the Administration's proposed bill language which would prohibit any BIA funds (other than JOM) from going to elementary and secondary schools in Alaska. Evidently, this language is the response to the 87 (to date) resolutions from Alaska Native villages expressing dissatisfaction with the quality of public education Native students are receiving and asking for BIA education funds to be provided in Alaska.

The Administration's response has not been a constructive one. It is one of simply turning its back on the legitimate concerns of Alaska Native people. We understand that the bill language was proposed without consultation with Alaska Native people. There is a procedure in the BIA education statute (25 USC 2001(k)), by which tribes and school boards can make application to the Secretary of Interior to operate the schools which are not now BIA funded schools under contract or grant with the BIA.

Obviously, there are education issues that need attention in Alaska. And possibly one avenue for improvement is tribal administration of the schools through BIA contracts or grants. The law provides for application for this route, and we do not believe it should be cavalierly discarded through a prohibition on funds for interested tribes and school boards. We urge this Committee to not include the language proposed by the Administration in the Interior and Related Agencies Appropriations Act.

- Indian School Equalization Formula (ISEF). Because of the failure of the FY1993 supplemental appropriations bill which contained \$48.8 million for the ISEF Formula and Administrative Cost grants for Indian schools, we urgently need to enact a supplemental appropriations bill for these schools.

We appreciate the Senate explanatory language accompanying the FY1993 supplemental appropriations bill which expresses your concern about the methodology for estimating and distributing ISEF funds, and encourages the development of a new funding distribution methodology. We agree. NIEA, along with the Association of Navajo Community Controlled Contract School Boards, has submitted to the House and Senate authorizing committees such a proposal for consideration in the legislation reauthorizing elementary and secondary education programs. We propose that that National Academy of Sciences, in consultation with Indian tribes and organizations, develop a needs-based budget and that funding for the BIA school systems -- specifically the ISEF, student transportation, and administrative cost grants -- be made an entitlement program. We have also submitted proposals to the authorizing committees concerning demographic and data collection for BIA system schools.

In the interim, our recommendation for FY1994 is an appropriation level for ISEF of \$3499 per Weighted Student Unit (WSU) (the amount recommended by the 1991 BIA/Tribal/Congressional task force on ISEF, and a report endorsed by NIEA resolution). We calculate that the Administration's FY1994 request of \$249.5 million would translate into \$2895 per WSU.

- Tribal Departments of Education. We recommend at least \$2 million for tribal departments of education, and propose the funding be built into the base budgets for any tribe receiving this money. While the Administration's budget does not request funding for tribal departments of education, we are pleased at the growing recognition in the Bureau of this need. We understand that the BIA did request \$1.5 million for tribal departments of education, a request which was reduced to \$1 million by the time it left the Interior Department, and which ultimately was reduced to zero by the Office of Management and Budget.

It seems likely that Congress will enact school reform legislation (termed "Education Goals 2000: Educate America Act") this year. This legislation is intended to provide a philosophical foundation for reauthorization of the nation's federal elementary and secondary education programs, and will deal primarily with development of assessments, and academic and school delivery standards. Tribes need to be an active participant in this process, and those with established departments of education will be in an advantageous position to provide input and to promote the best interest of their members.

Tribal departments of education can (and in the cases where they exist do) serve many purposes. While activities vary from tribe to tribe, tribal departments of education can:

- serve to improve communication and cooperation between tribal and state governments, including entering into compacts with states to increase tribal control over public schools on Indian reservations;
- develop tribal education standards, curricula and policies, and provide the leadership for all schools within tribal lands to adhere to these standards;
- provide coordination among all schools and education programs within tribal boundaries, regardless of the funding source, including assisting in the transition from pre-school to school, and school-to-work.
- improve cost-effectiveness by consolidating and sharing educational resources;
- improve accountability by the centralizing of school recordkeeping systems, monitoring educational progress, and collecting data from schools;
- develop reservation-wide systems for tracking of students, which will be helpful in efforts to reduce dropout and truancy;
- provide the resources for schools to undertake long-term planning and education reform;
- serve as a liaison between the tribe and off-reservation boarding schools.

• **Johnson O'Malley Program (JOM).** The Administration request of \$22.8 million is \$154,000 below last year's appropriated level for the Johnson O'Malley Program. We ask for an appropriation level of \$35.2 million, an amount which should stop the declining per pupil amount and which would take into account the increased participation in the JOM program.

The Johnson O'Malley program plays such an important role in helping to meet Indian-specific needs in public schools, but is required to do more with less every year. From FY 1992 to FY 1993, the number of students receiving JOM services increased by 16,421 -- 9,000 of those students are from 39 previously private schools which were not earlier eligible for the program, and another 2,000 are new pre-school students being served by the program.

We particularly want to see the JOM program thrive because it is largely administered by tribes, and represents the most direct way that tribal governments have to be involved in and directly impact the education of their children in public schools. By resolution at our national conference, we oppose placing JOM monies in the Tribal Priority Allocation, because we want to ensure that these monies continue to be spent for their authorized purpose of providing programs in schools specific to the needs of Indian and Alaska Native children.

We point out that the results of BIA consultation on education matters consistently reveal that tribes place JOM at the top of their priority list for funding and is probably why the initial BIA FY 1994 budget recommendation for JOM was a \$12.3 million increase (for a total of \$35.2 million), an amount reduced to \$6 million by Interior and to zero by the Office of Management and Budget.

• **Family and Early Childhood Education (FACE) Program.** The BIA currently spends \$5.5 million on 11 early childhood projects associated with BIA-funded schools about which they are very enthusiastic. These are the FACE programs, and they are funded under the Indian School Program Adjustments portion of the budget. The programs are both school -and home-based and involve parents, children age birth through third grade, and school personnel. Parent educators visit the home on monthly basis. The parents agree to attend classes in the school with their children -- the parents take classes on matters including literacy and parenting, while their children are in pre-school classes. Some parents receive their GEDs through this program.

The BIA requested \$2 million increase in this program is a modest one in light of the fact that their goal is to establish 144 early childhood projects, and to extend the projects to tribes which do not have BIA-funded schools-- and we support a funding level which is at least as high as the BIA's request.

We also request Committee Report language which will allow the FACE program to be implemented in such a way as to not penalize those schools which do not have available day-time space for the school-based portion of the FACE program. As we understand it, a school applicant must provide both home-based and center (school)-based activities. There are, as you would expect, schools which do not have extra day-time classroom space for this activity. We suggest that report language direct that the FACE program be modified to allow an applicant to provide the home-based services only and/or to use other available space (e.g., Head Start) or to rent space for the center-based classes.

• Administrative Cost Grants. We support the testimony of the Association of Navajo Community Controlled School Boards in requesting that Administrative Cost Grants for schools be funded at 100% of need. If the pending FY1993 supplemental appropriation for AC grants had been enacted, and if the Administration's proposed \$8.5 million FY1994 increase (for a total of \$32 million) is enacted, we may have been close to meeting 100% of need. But we are dependent upon BIA to tell us if this request will fulfill the need, as only the Bureau has access to necessary calculation data.

INDIAN HEALTH SERVICE

Nursing Program. Last year NIEA recommended a \$500,000 increase under the Scholarships line item for the nursing program (as authorized under Section 112 of P.L. 100-713), with the request that the monies be earmarked for a tribal college nursing program(s). We made this request because of four nursing programs funded, only one (Salish Kootenai) is a tribal college nursing program.

We thank this Subcommittee for recommending this increase and for giving priority to tribal college applications. We understand that a Federal Register notice will soon be published soliciting applications for the \$500,000. We ask that this money be built into the base, and that a total of \$5 million be appropriated for the Section 112 nursing program, with preference given to tribal college nursing programs.

We note that the Administration states that it will fund four nursing programs in FY1993 and four in FY1994. Because of the addition of \$500,000 in FY1993 the IHS should actually be funding 5 or 6 programs in FY1993 and FY1994.

• School-based Health Education Programs (IHS and BIA). NIEA successfully advocated last year to obtain a new authorization in the Indian Health Care Improvement Act concerning the establishment of school-based health education programs, and we ask for \$4 million for this program -- \$3 million under IHS authority, and \$1 million under BIA authority.

Under Section 215 of the IHCA, the Secretary of IHS is now authorized to award up to \$15 million in grants for tribes to develop comprehensive school-based health education programs for children on reservations age preschool through grade 12. The programs could be in public, contract, grant and private schools.

Additionally, the Secretary of Interior, in consultation with the Secretary of HHS, is directed to develop a comprehensive school health education program for children age preschool through grade 12 in BIA-operated schools. The program in the BIA-operated schools are to include nutrition education, personal health and fitness, mental health wellness, chronic disease prevention, substance abuse prevention, accident prevention, and safety education, and activities for the prevention and control of communicable disease. The Secretary is directed to provide training in the health curricula to teachers in BIA-operated schools, to ensure coordination and integration with existing programs and services and to encourage tobacco-free school environments. Tribal grants may be used to undertake activities like those undertaken by the Secretary of Interior in relation to the BIA-operated schools.

Grant recipients are to report annually on their activities. The reports are to include information on the numbers of schools and students served, any newly established curricula, the number of teachers trained in the curricula, and on the involvement of parents, community members and community health workers in programs established with the grant funds.

The area of school health education receives little support from either the BIA or IHS. The IHS receives \$230,000 annually from the Centers for Disease Control for school health education programs. That is its entire budget for this effort. The BIA has no specific funds for this purpose.

We ask that the Committee recommend a funding level for this new authorization of at least \$3 million for grants to tribes, and that \$1 million be provided to the BIA to fulfill its requirements under Section 215 of the IHCA to institute health education programs in its schools.

• **Substance Abuse Counselor Education Demonstration Project.** In last year's reauthorization of the Indian Health Care Improvement Act, Congress authorized, under Section 701, the Secretary of HHS to enter into contracts, or make grants to, tribal colleges, tribal postsecondary vocational institutions and eligible community colleges for development of educational curricula for substance abuse counsellors. The curricula may be provided through satellite programs.

Lack of certified substance abuse counsellors is a major problem among tribes, a finding made in recent Inspector General reports on the IHS and tribal substance abuse programs. The program authorized in Section 701 of the IHCA would be of value in addressing this problem, and we ask for \$1 million for tribal colleges under this new authority.

INDIAN EDUCATION ACT (DEPARTMENT OF EDUCATION)

Subpart 1. The Subpart 1 program of the Indian Education Act program provides funds, to LEAs (by formula) and to Bureau-funded schools for supplementary programs designed to help Native students successfully complete school. Programs include tutoring, remedial reading and materials, counselling and cultural activities.

The Administration's request for Subpart 1 is \$60.9 million, a \$1.6 million increase over the FY1993 level. This increase consists of \$1.45 million for the formula grant program for LEAs and BIA-funded schools, and \$150,000 for the discretionary program for Indian-controlled schools.

The appropriations for Subpart 1 have remained essentially stagnant since 1981, and the per pupil expenditure has been declining. The average payment per eligible child in FY1981 was \$185, while the payment per student in FY1994 is proposed to be \$148. The number of students to be served in FY1994 by the formula grant program is 390,000. We believe the federal responsibility toward Native students requires more than this, and we recommend a funding level for Subpart 1 at its authorized \$70 million level, or \$10.2 million over the FY1993 enacted level.

We also support funding of the demonstration grants program for public schools -- currently only the Indian-controlled schools are eligible to compete for this funding. We recommend \$1 million be provided for demonstration programs in public schools.

Subpart 2. The Administration's request for Subpart 2 is \$14.3 million, a \$2.1 million increase over the FY1993 level. Of this increase, \$700,000 is for Teacher Training and \$1.46 million is for a 6-month extension of the contracts for the Indian Education Technical Assistance Centers. We support the \$1.46 million increase for the Indian Education Technical Assistance Centers for a 6-month extension of their contracts, and also ask for an additional \$3 million for program increases under Subpart 2 -- \$2 million for teacher training and \$1 million for the Research and Evaluation Centers, for a total of \$14.3 million.

Within the Educational Personnel Development program, funded under Subpart 2, we recommend \$2 million for teacher training projects, with an emphasis on reservation-based projects. There are many Indian and Alaska Native people who work in or with school systems who are not certified teachers. We would like to see an aggressive effort to assist Indian and Alaska Native people at the local level to become school teachers. Just as the reservation-based hospitals have found that their most reliable workforce is the nurses who are local to the area and trained at the tribal college nursing programs, we feel that teacher training for local Indian and Alaska Native people will provide the best quality teaching force. As an illustration of the need, we note that Navajo Nation President Peterson Zah, in his 1992 speech before the White House Conference on Indian Education, reported that of 6000 teachers on the Navajo Reservation, only 1000 are Navajo. On the Pine Ridge Reservation in South Dakota, 70% of public school students are Indian, but only 15% of teachers are Indian. In the Box Elder schools in Montana, 99% of the students are Indian but only 18% of the teachers are Indian. In the Rocky Boys schools in Montana, 99% of the students are Indian but only 27% of the teachers are Indian. We believe it is extremely important for Indian and Alaska Native students to have a large number of their teachers be Native people. It is important from the perspectives of role models and of cultural sensitivity.

For the six regional Research and Evaluation Centers, we recommend an increase of \$1 million. Two years ago a sixth center was added (in Alaska). We were pleased at the addition of the center, but unfortunately no new funds were provided to accommodate this center. As a result,

the other five centers have seen their budgets reduced and have lost personnel, at the same time as school requests for their assistance has increased.

We bring to the Committee's attention that the technical assistance centers contracts with the Department of Education expire in November 1993. With a six month extension, they could operate until May, 1994. The dilemma is that the legislation reauthorizing elementary and secondary education programs (including IEA) will likely not be completed by May, 1994. This would cause a gap in critical field services provided to over 1200 schools by these centers. We may need legislation to provide a waiver on time limitations on the contracts to carry them through to the end of FY1994.

Subpart 3. The Administration's request of \$4.86 million for Subpart 3 (Adult education) is \$300,000 over the FY1993 level. As with BIA adult education programs, this program is severely underfunded. The FY1993 appropriation was \$4.6 million, which should allow only an estimated 30 awards, serving 7,000 people.

When one considers the high percentage of Indian and Alaska Native adults without a high school education, and the fact that National Education Goal Number 5 is that by the year 2000 "every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship", this is a pitifully funded program. The Indian Education Act budget justification states that the \$300,000 proposed increase shows the Administration's commitment to combatting illiteracy. The FY1994 budget would fund 32 projects, an increase of 2 over FY1993. We do not believe this budget request fulfills any commitment to combatting illiteracy.

NIEA recommends funding for the Office of Indian Education for a national survey on Indian adult education needs and for \$14 million for the Subpart 3 adult education program.

Statistics and Assessment. We support the requested \$200,000 for a special tabulation of 1990 Census for Indian/Alaska Native data at the school district level. NIEA has made major proposals regarding Indian/Alaska Native education research and data collection as amendments to the pending Elementary and Secondary and Office of Educational Research and Improvement bills.

STATEMENT OF ANITA M. COLLINS, CHAIRMAN, WALKER RIVER PAIUTE TRIBE OF NEVADA

ON BEHALF OF THE WALKER RIVER PAIUTE TRIBE OF NEVADA, I WOULD LIKE TO OUTLINE OUR PRIORITY APPROPRIATIONS NEEDS FOR FISCAL YEAR 1994. OUR RESERVATION IS LOCATED SOME 100 MILES SOUTHEAST OF RENO, NEVADA AND CONSISTS OF A THIRD OF A MILLION ACRES. CATTLE GRAZING AND AGRICULTURE ARE TWO OF OUR MOST IMPORTANT INDUSTRIES. WE CALL OURSELVES THE AGAI DICUTTA NUMU WHICH MEANS THE TROUT EATER PEOPLE BECAUSE OF THE 35 POUND CUTTHROAT (SALMON) TROUT THAT WERE ONCE IN OUR LAKE. THE WHITEMAN CALL US PAIUTE BECAUSE WHEN THEY ASKED WHERE THE NEAREST WATER WAS (IN THE MID 1800'S) THE PEOPLE SAID, "PAHA UTO" WHICH MEANS "WATER IS IN THAT DIRECTION". FROM THOSE WORDS, CAME THE WORD PAIUTE. IN THE FAR WEST, WATER IS WORTH MORE THAN GOLD AND TODAY, I WILL PROVIDE THREE PARTICULAR CONCERNS THAT DEAL WITH WATER ISSUES THAT MEAN BOTH LIFE AND DEATH TO OUR NORTHERN PAIUTE PEOPLE.

1. THE FIRST CONCERN WE HAVE IS THE NEED FOR APPROPRIATIONS TO CONTINUE OUR WATER RESOURCES PROGRAM. WE REQUIRE \$200,000 TO MAINTAIN OUR WATER RESOURCES OFFICE FOR A SECOND YEAR. THERE ARE TWO PHASES OF THIS PROGRAM, PHASE I IS FOR A WATER EXPERT WHO WILL ASSIST THE TRIBE WITH TECHNICAL ADVICE ON WATER FLOWS, STORAGE REQUIREMENTS, WATER QUALITY REQUIREMENTS RELATING TO IRRIGATION, FISH AND WILDLIFE NEEDS, NUTRIENTS ENTERING THE LOCAL WATERWAYS, HYDROLOGY AND ON THE DEVELOPMENT OF A WATER QUALITY MODEL FOR THE WALKER RIVER SYSTEM. THE EXPERT WILL ALSO PROVIDE TECHNICAL ASSISTANCE IN LITIGATION AND SETTLEMENT NEGOTIATIONS WITH UPSTREAM WATER USERS. PHASE II INCLUDES THE WATER MANAGEMENT, PLANNING AND PRE-DEVELOPMENT OF WATER SOURCES. THIS PHASE WILL ADDRESS IMMEDIATE MANAGEMENT AND PLANNING ACTIVITIES FOR DEVELOPMENT, CONSERVATION AND PROTECTION OF WATER RESOURCES AND ULTIMATELY UPGRADE STUDIES TO THE FEASIBILITY LEVEL; THE FOCUS IS ON THE PRODUCTION OF DESIGN SPECIFICATIONS AND BENEFIT/COST ANALYSIS FOR WATER STORAGE AND DISTRIBUTION FACILITIES. THIS PROGRAM WILL ENABLE THE TRIBE TO ACHIEVE A COMPREHENSIVE WATER RESOURCES PLAN ADDRESSING HYDROLOGY, WILDLIFE USES, IN-STREAM FLOW, UNDERGROUND WATER SYSTEMS, WALKER LAKE HISTORY AS WELL AS RECREATIONAL USES. WE HAVE ONLY JUST BEGAN TO DO A WATER INVENTORY, OVERSEEING AN IRRIGATION REHABILITATION AND BETTERMENT PROGRAM AND A SAFETY OF DAMS PROGRAM. THE BUREAU OF INDIAN AFFAIRS (BIA) HAD NO MONEY FOR US TO CONTINUE THIS IMPORTANT PROJECT IN 1993.

2. THE SECOND CONCERN IS IRRIGATION REHABILITATION AND BETTERMENT HAVE A NEED FOR \$2 MILLION TO CONTINUE THE SECOND OF A FOUR-YEAR PROGRAM TO CONTINUE WORKING TOWARDS THE BEST USE OF THE DECREED WATER THAT WE DO HAVE. THE IRRIGATION SYSTEM CONSISTS OF WEBER DAM AND RESERVOIR, A DIVERSION STRUCTURE ON THE WALKER RIVER AND A CANAL SYSTEM ON EACH SIDE OF THE RIVER. AFTER A 6 YEAR DROUGHT, WE REALIZE EVEN TO A GREATER EXTENT HOW PRECIOUS WATER IS TO OUR SPIRITUAL WELL-BEING, OUR ECONOMY AS INDIVIDUAL RANCHERS, AND AS A TRIBAL ENTERPRISE WITH MANY, MANY ACRES OF ALFALFA AND CORN TO FEED CATTLE IN A 2,000 HEAD FEEDLOT. WE RECEIVED INITIAL

FUNDING IN 1992 WITH WHICH WE HAVE BEEN ABLE TO REPAIR THE DIVERSION DAM, TWO RIVER BENDS, SECURE A SIPHON AND PROVIDE OTHER EMERGENCY WORK ON OUR ERODING CEMENT IRRIGATION SYSTEM. SOME 400 FEET OF THE CANAL WAS WASHED AWAY BY THE RIVER SOON AFTER IT WAS CONSTRUCTED IN THE 1970'S, AFFECTING HUNDREDS OF ACRES OF ALFALFA. A REPORT WAS CONDUCTED IN JUNE OF 1989 BY COOPER CONSULTANTS INCORPORATED OF PORTLAND, OREGON WHICH PROPOSED REPLACING 1.4 MILES OF LATERALS, LINING 57,000 FEET OF EARTH CANAL, REHABILITATING 6,500 FEET OF EXISTING LINED CANAL, REMOUNTING OR INSTALLING 134 TURNOUTS AND 67 CHECK GATES, INSTALLING 22 WATER MEASURING STRUCTURES, CONSTRUCTING LOSS PREVENTION AND EROSION PROTECTION WORKS AT 4 SITES ON THE WALKER RIVER AND SUBJUGATING 750 ACRES OF LAND. THE REPORT WAS COMPLETED AND TRANSMITTED TO THE BUREAU OF INDIAN AFFAIRS. IT WAS OUR UNDERSTANDING THAT THE BIA WOULD USE THE REPORT AS JUSTIFICATION FOR AN APPROPRIATIONS REQUEST TO CONGRESS TO IMPLEMENT THE REPORT'S RECOMMENDATIONS. THE BUREAU OF RECLAMATION (BOR) ENGINEERS HAVE EXAMINED THE COOPER REPORT, DONE ON-SIGHT VISITS AND HAVE RECOMMENDED A FUNDING LEVEL OF \$8 MILLION TO IMPLEMENT SUCH RECOMMENDATIONS.

3. OUR THIRD CONCERN IS A **SAFETY OF DAMS PROGRAM**, WHICH THE TRIBE HAS CONTRACTED AND SUBCONTRACTED TO THE BOR. THE WEBER DAM IS AN EARTHFILLED DAM THAT WAS CONSTRUCTED IN THE 1930'S BY THE BUREAU OF INDIAN AFFAIRS FOR IRRIGATION PURPOSES. THIS DAM IS TERMED A

STATEMENT OF CLIV DORE, GOVERNOR, PASSAMAQUODDY TRIBE, PLEASANT POINT RESERVATION

The Passamaquoddy Tribe is attempting to develop a community fire protection system, at the Pleasant Point Reservation, in accordance with the requirements and regulations, for such services as specified in 25 CFR, under the Indian Self Determination Act and in accordance with the Rules, Regulations and Laws of The State of Maine governing Fire Departments, and all applicable NFPA Rules and Regulations. There are a number of deficiencies in the current physical plant, staffing, and equipment, that place " Life and Property " at risk in the community.

The Passamaquoddy Tribe at the Pleasant Point Reservation, began its fire fighting efforts, by combatting fires on the reservation, using a pickup truck equipped with a small portable pump, a small amount of fire hose thrown in the cargo bed, and a handful of untrained volunteers. This was in response to a number of structures burning down to the ground and the loss of life as a result of the amount of time it took surrounding community fire departments to respond to an alarm on the reservation. Since that time, The Reservation has expanded rapidly, with

approximately 181 homes having been built on The Reservation. Also located on The Reservation are a number of commercial enterprises, and large community buildings. Within one year, there will be approximately 50 new residential structures constructed on The reservation. There are 20 new units currently being constructed in Phase 1 of this construction project with 30 more units to be built within a year. While this community, located on the shores of The Atlantic Ocean has grown significantly, the community fire department has not been able to keep up with this tremendous expansion. The new construction sites are located on annexed land about a mile from the Reservation. The Pleasant Point Tribal Government has invested substantially in its Fire Program, during the past several years. They have purchased two pumper trucks, a Brush Truck, a significant amount of fire fighting equipment, training, and the funds necessary to pay an "On-Call Volunteer Fire Department" The Tribal Government has spent approximately \$ 250,000 to equip the department, in order to protect an estimated \$28 Million investment in BIA, HUD, Tribal, and Private properties.

Because of the current circumstances with a physical plant that is dangerously small and totally inadequate for its current use, the lack of full-time ready and available fire fighters, equipment necessary to adequately protect life and property, and funds necessary to adequately run the department, the Pleasant Point Community Fire Program, is in a severe crisis. Being located near the ocean, salt water corrosion plays a significant role, in the deterioration of equipment housed in a physical plant, that is totally inadequate for use as a Fire Department, much less one that houses an Emergency Response Unit and a Law Enforcement Agency. With the rapid expansion of the Reservation both in terms of numbers of structures and expansion beyond its original borders, response time becomes even more critical. There exists a desperate need for additional equipment, adequate to suit the needs of a Fire Department as well as the necessary highly trained and available personnel, that would be on-duty and available 24 hours a day 7 days a week. Additional funds are necessary to accomplish the purpose of providing the community with adequate fire protection. Staffing the department with full-time, ready and available fire fighters would also drastically reduce the community fire rating, thereby reducing the insurance premiums on the reservation. The current rating is 8.

The Pleasant Point Tribal Government is requesting \$273,455 to provide personnel, supplies and equipment for the department. The Tribal Government also requests that \$190,000 be reoccurring to fund the Department on an annual basis.

SOCIAL SERVICES PROGRAM

The Social Services Program at Pleasant Point Reservation services Tribal Members, who reside on the Pleasant Point Reservation. The program addresses the basic needs of those families, who are at or below poverty level and the needs of those children and their families, who are victims of abuse and neglect. These families, who have had children that have been removed or possibly could be removed due to an "At Risk Situation are provided services through Social Services, in an attempt to prevent the break-up of Indian Homes. The Pleasant Point Reservation is located in one of the poorest counties in the state of Maine. While the national unemployment rate stands at approximately 7.0%, the unemployment rate on the Pleasant Point Reservation is over 38%. Quite understandably, the percentages of individuals living at or below the poverty level is substantial. The median income level for the State of Maine is \$ 18,300, while the median income for Washington County is \$ 13,000. The median income on the Pleasant Point Reservation is \$ 6,600, approximately one half what the median income is for one of the poorest counties in the state. As all of you know, poverty impacts not just individuals but the entire family. One focus of all Indian Nations is the preservation of its culture and heritage. This becomes impossible when the very vehicle for the preservation of the Native American way of life is threatened. The family is the very fiber from which this battle for the survival of our culture must emanate. As the family continues to fall victim to such high levels of poverty, the services provided by such programs as Social Services becomes even more crucial.

Currently the Social Services Program finds itself facing severe financial problems for FY -94, in that there will not be enough funding available to employ its current staff much less provide those supportive services necessary to prevent the break-up of Indian Families. There will be no monies available for the training of staff much less monies available for preventative services. With Federal guidelines becoming increasingly more restrictive in regard to requirements that Social Services staff be well- educated and possess minimal training, the Social Services Program is in severe jeopardy. There will be no funding for Staff to continue to attend the training required to assure that the Program Staff maintains a minimal level of training. The department will require approximately \$ 35,000 in additional and reoccurring funding for FY - 94 to maintain its current status.

LAW ENFORCEMENT

During the past year, the role of law enforcement, on The Pleasant Point Reservation, has been expanded significantly. Approximately eight months ago, the Passamaquoddy Tribe was delegated the responsibility of the processing and prosecution of " Class D " crimes. These crimes were previously handled through the State of Maine District Court System. These additional responsibilities have increased significantly the amount of time and manpower necessary to adequately address what is necessary to successfully process such jurisdiction from the beginning investigative stages through the lengthy process of prosecution and ultimately the final court decision. To compound the problems created by the additional jurisdiction, The Tribe has expanded its residential base to include previously unoccupied and newly annexed lands. Within the past year, the Tribe has constructed twenty new residential units, with approximately thirty more units to be constructed within the next year. Long range plans include the construction of between thirty to fifty additional units within the next few years. As the reservation boundaries expand and more housing becomes available, the population also expands drawing more people moving back to the reservation. These factors, coupled with a steady birth rate, taxes an already marginally staffed and significantly under-funded Law Enforcement Department. Individuals living "Off - Reservation" have found that economic times are becoming increasingly more trying. The main reason that many individuals move back to the reservation is because the American Dream of owning a home has become nearly impossible given the state of the current economic times. Moving back to the reservation means that these individuals can at least have affordable housing that is of the same standard previously found only "Off - Reservation".

The Law Enforcement program at Pleasant Point finds itself dealing with an ever expanding land base, a larger population, and increased jurisdictional responsibilities without any realistic increase in either personnel, training, or funding to aggressively address those problems that accompany such rapid and spontaneous growth. The Pleasant Point Tribal Council has for years, supplemented the Law Enforcement budget to fund additional personnel and programs to adequately address the ever expanding needs. Programs, such as the "DARE" program, which are preventative in nature go unfunded because all of the available monies are expended in an effort to enforce the law rather than address problematic areas through a preventative stance. The Passamaquoddy Tribe at Pleasant Point Reservation has received, in the past, inadequate funding to address these aforementioned problem areas. The Tribe is requesting for an additional \$200,000 in funding to adequately staff and equip the department, so as to address the problems currently encountered.

STATEMENT OF SINTE GLESKA UNIVERSITY ON BEHALF OF THE ROSEBUD SIOUX INDIAN RESERVATION

Sinte Gleska University is a growing tribal higher education institution chartered by the Rosebud Sioux Tribe in 1971 to design and deliver postsecondary programs, services and opportunities for the Sicangu Lakota People on the Rosebud Reservation.

We are presently seeking Congressional support in the following areas:

(P.L. 99-428)

The foremost concern of Sinte Gleska University in terms of the FY'94 Interior Appropriations Bill centers around funding for P.L. 99-428, "The Tribally Controlled Community College Assistance Act of 1978, as amended." We now request that Congress advocate for appropriations which provide funding of \$5,820 per student for Title I tribal colleges. Funding at this level, as authorized by law, would require an additional sum of \$18 million in FY'94.

Endowment: Sinte Gleska University, like its tribal college colleagues, has successfully developed an Endowment Fund to help produce long-range fiscal stability. Future growth of the SGU Endowment Fund depends heavily upon the availability of matching funds. We request that Endowment funding be appropriated at the full authorized level of \$10 million for the 1994 fiscal year.

Construction: In FY'90 tribal colleges requested appropriations of \$22.9 million for facilities construction purposes, including our stated institutional need of \$2.5 million to complete the proposed SGU Education/Administration Building. These needs haven't changed, however, as an interim measure, we request an appropriation of \$1.8 million for emergency repairs for those tribal colleges where there exists serious facilities problems.

(Other)

--Additional BIA Higher Education Grant funding to assist tribal members in defraying educational costs of attendance at Sinte Gleska University.

--Increased Adult Education funding to provide adequate opportunities and services for G.E.D. and adult literacy programs.

--Increased Adult Vocational Training funds to enable students to pursue voc-ed programs that correspond to tribal need priorities.

--Restoration of P.L. 93-638 funds, awarded to Sinte Gleska University in 1973 per authority of the Snyder Act, to a funding level of \$358,300. These monies were removed from the tribal I.P.S. budget by the BIA in 1980 only to be restored at the much reduced funding level of \$136,500.

INTRODUCTION

Sinte Gleska University is located on the Rosebud Sioux Indian Reservation, an area encompassing four counties that cover 5,300 square miles where 16,000+ tribal members live in twenty tribal communities. Sinte Gleska University is chartered by the Rosebud Sioux Tribe to provide postsecondary education on the Rosebud Reservation in accordance with the Rosebud Sioux Tribal Constitution which was adopted pursuant to the Indian Reorganization Act of 1934. Sinte Gleska University began operations in 1971 as a two year community college and has since become the first tribal higher education institution to gain accreditation at the baccalaureate and masters degree program levels. Today, the Lakota People appreciate the role and contributions of Sinte Gleska University as a key mechanism for imparting our traditions and values to our younger generations.

Sinte Gleska University designs and delivers services and opportunities that are of, by and for the local community. The

success of Sinte Gleska University can be traced to the following premises which have consistently governed our institutional mission: to be accountable to our students and tribal communities, to preserve our Lakota culture and to encourage individual and family empowerment so that we may advance as a sovereign nation.

The future growth of Sinte Gleska University will continue to be in direct response to the pressing needs of tribal members who are residents of Todd County (The Rosebud Reservation), the tenth poorest county in the nation according to 1990 census data. Sinte Gleska University will also continue to expand its plans and purposes as a tribal higher education model and instrument of social change, characterized by a spirit to grow, an openness to move into new and different fields of knowledge and its commitment to do whatever is required to improve the quality of life for the Lakota People.

THE AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM

The American Indian Higher Education Consortium is comprised of 29 member institutions which work together to establish a system for resource access and management as needed for continued tribal college development. Presently a total of 21 tribal colleges receive federal appropriations through Title I of Public Law 99-428, "The Tribally Controlled Community College Assistance Act of 1978, as amended".

Over 14,000 students are enrolled in tribal colleges with 3,377 ISC (full-time student equivalency) attending Title I institutions. Sinte Gleska University is one of six charter members of the American Indian Higher Education Consortium.

STATEMENT OF THE ASSOCIATION OF NAVAJO COMMUNITY CONTROLLED SCHOOL BOARDS, INC.

This statement is submitted on behalf of the Association of Navajo Community Controlled School Boards, an association of schools operated by Navajo tribal school boards under contracts or grants with the BIA. This testimony concerns the following seven issues affecting Indian education in the Bureau of Indian Affairs' FY1994 budget request: the Indian School Equalization Formula; Administrative Cost Grants; New School Construction; education space guidelines; Facilities Operation and Maintenance; housing for education personnel; and student transportation.

Indian School Equalization Formula funding. We want to thank this Subcommittee for its affirmative action on the Economic Stimulus Package to respond to the funding crises in Indian School Equalization Formula (ISEF) and Administrative Cost Grants. Since additional funding is crucial to our continued operations, we were extremely dismayed that the package died in the Senate. We implore the Subcommittee to take steps to provide the \$48.8 million to the schools through a separate emergency supplemental appropriations bill.

In its explanatory statement accompanying the Economic Stimulus Package, the Senate Appropriations Committee stated that "It is unclear that the [ISEF] formula allocates educational resources effectively." We agree that it is time to take a fresh look at the ISEF, and want to share our ideas with you.

For too many years now, representatives of BIA-funded schools have had to come to this Subcommittee and ask for more money for the ISEF. This is the primary funding source for instructional and residential programs in the BIA system. When that funding is inadequate, unpredictable or late, our ability to operate well-planned, well-staffed and innovative programs for our Indian students is greatly hindered. Our schools have suffered from these problems for several years. We are at the point now that the schools cannot thrive; they are struggling merely to survive. Unless this situation is reformed, we will continue to educationally shortchange these Indian children.

We need a better method of identifying the funding needed by each school to accomplish its educational mission. ANCCSB supports an idea raised last year by the House Education and Labor Committee that called for development of a "needs-based" budget formula for the BIA school system. We would expand this idea to have formulas developed for both *schools* and *dormitories* in the BIA system. Right now, both instructional and residential programs are funded from the same ISEF system, but we must question whether there is still -- or ever was -- a rational basis for this. In any event, it is time to develop separate funding formulas, based on the programmatic needs and goals of each.

We think the task for investigating the need at individual schools and dorms should be given to a third party entity such as the National Academy of Sciences. Assistance would be provided by an advisory panel knowledgeable about the structure and statutory basis of the BIA school system comprised of contract and grant school representatives as well as the BIA. The resulting budget formula would be reported back to Congress for examination and, if acceptable, adoption. We will also need a mechanism for periodic re-examination of any formula developed.

Our proposed reform measure does not stop here, however. It is our firm belief that if we are to ever achieve both an adequate and *stable* funding base, the ISEF must be converted to an entitlement system with a statutorily set funding identification mechanism. Otherwise, our school system will remain vulnerable to the same budget fluctuation problems we have just barely managed to survive for the past decade.

Our proposal calls for funding to be made available to the schools directly from the Treasury Department, calculated on the basis of the prior year's attendance figures. We propose a *statutory per-WSU base of \$3,499*, the level recommended by the 1991 ISEP Task Force. We propose that in subsequent years, the base be adjusted in accord with any pay raises given to the DoD teachers, and the cost-of-living adjustment (developed by the Congressional Budget Office) applicable to elementary and secondary education.

While we know that statutory changes of this kind are not under the direct jurisdiction of this Subcommittee, you are, nonetheless, integrally involved with the BIA school system. We believe it is important to keep the Subcommittee advised of possible systemic changes, and welcome your input on our proposals.

ISEF Funding for FY94. For FY1994 the Bureau has proposed \$249.5 million for ISEF, \$34.4 million over the FY1993 enacted level. We are pleased with what appears to be meaningful upward motion in the line item. However, ANCCSB believes that it is not enough. The law says that our teachers are to be paid at the same rate as those in the DoD overseas schools. In April, 1991, DoD announced a 5.4% pay increase. We did not, however, realize any such increase in the ISEF. Thus, to pay at the new level, we had to reduce programs and staff, or not pay at that level. The BIA says its FY1994 ISEF budget request of \$249.5 million would produce a per-WSU base of approximately \$2,894 for SY94-95. This represents only a .7% per year increase over the WSU base of three years ago (SY91-92). Obviously, schools cannot even keep up with inflation at this rate, let alone maintain the DoD pay scale. We request that this Subcommittee support an increase of \$43.8 million over the FY1993 enacted level, or an FY1994 ISEF level of \$258.9 million.

Administrative Cost Grants. Supplemental funding for Administrative Cost Grants is critical. Our analysis of the AC Grant funding for SY92-93 (the current school year) through SY94-95, which will be funded by the FY1994 budget, shows the following:

- The BIA reports that we will get only 65% of our AC Grant need this year. This means that 100% of need would be \$30 million. We should point out, however, that it appears some \$3 million in FY1992 appropriations for AC Grants have not been distributed for SY92-93. We do not know the reason for this.

- For SY93-94, if the level of need does not increase from the current \$30 million, we will have sufficient funds to meet less than 80% of need. Of course, if need increases, then the size of the shortfall will be even greater.

- Conclusion: Passage of supplemental funding is critical for contract and grant schools' administrative cost needs.

The FY1994 budget request proposes a total level of \$32 million for SY94-95 AC Grants. This is \$8.5 million more than the FY1993 enacted appropriation. Because the AC Grant formula is complex, one must have access to school-specific data in order to calculate what the system-wide level of need is. Thus, this projection must be performed by the Bureau. We are concerned about whether enough is being requested for FY1994. An earlier budget document showed that the BIA had asked for \$15.5 million above the FY1993 level. This was reduced to \$8.5 million by OMB, however.

We would appreciate your asking the BIA when they come to testify whether their budget request for AC Grants will be sufficient to meet 100% of need. This is a question they must be able to answer.

For the past several years, the AC Grant funding has failed to meet need, and the BIA has neglected to tell Congress. This practice cannot continue. The federal government has a commitment to supply the full level of administrative costs needed to enable tribal school boards to operate their schools. Otherwise, a critical principle of Indian self-determination is violated.

We would ask this Subcommittee to direct that if/when the funding for Administrative Cost Grants falls short of need, the shortfall shall be made up, on a priority basis, from the BIA's General Administration budget. If our administrative budgets are reduced, the BIA's equivalent budget should make up the difference.

New School Construction. We are very grateful to this Subcommittee for the commitment you have made to the replacement of obsolete, overcrowded and unsafe school buildings in the BIA system. We hope you will continue that commitment by providing sufficient funding for five new school starts each year. We note that the budget request recommends an FY1994 level of only \$13 million, which would be used for only one new school start, and for unspecified additional funding for projects previously funded.

Maintaining a funding rate of five new school starts each year is very important to us as Navajos, as over one-half of the schools in the BIA system are located on the Navajo Reservation. Many children on our reservation go to schools that are in such poor condition, most parents in this country would refuse to let their children enter at all, let alone attend every day.

Because so many new schools are needed on the Navajo Reservation, we are actively working on education space guidelines. The BIA's proposals which were submitted for tribal consultation were not, in many ways, relevant to our needs. Thus, we have received BIA's agreement to suspend further action on finalizing any space guidelines while we Navajos draw up our own for education construction on our reservation.

Facilities Operation and Maintenance. Since the facilities operation and maintenance account is not forward-funded, the FY1993 appropriation is used for our current SY92-93 needs. We are not happy to report that the funding for education facilities O+M has fallen short again. According to the Bureau's own figures, the FY1993 need for funding the education FACCOM formula was \$73.4 million, but the budget requested only \$62.8 million. (See the March 17, 1993 memorandum from the Director of Facilities Management and Construction Center, attached as Attachment A.) A total of \$64.4 million was appropriated. After the \$4 million in so-called "O+M holdbacks" are deducted, only \$60.4 million remained to fill the \$73.4 million in formula need.

We are advised by BIA that the need may have been underestimated, in part, because the FACCOM formula did not correctly reflect the janitorial needs for kitchens, cafeterias and dormitories. Those needs have, we understand, now been added to the FACCOM, but it does not appear that their full value has been added to the FY1994 budget request. The Bureau's request for FY1994 for O+M is only \$67.7 million. Even if the formula need has not changed from FY1993, this request is still \$5.7 million short. We ask the Subcommittee to insist that the BIA reveal the full level of need and submit a budget request that reflects that need. We also request that a contract or grant school representative be appointed to serve on the FACCOM Users' Committee.

Student Transportation. The BIA has asked for a \$3 million increase in transportation funding above the FY1993 enacted level, for a total of about \$22.8 million. Here again, the total funding is insufficient to meet need.

According to our calculations, a budget request of \$22.8 million for transportation will produce a per-mile rate of about \$1.73 in SY94-95. This must be compared with \$2.34/mile, the national average per-mile expenditures for School Year 91-92, according to statistics from the 1993 *Factbook* from

STATEMENT OF THE ROCK POINT COMMUNITY SCHOOL, ROCK POINT, AZ

Attached are the financial problems faced by Rock Point Community School, Rock Point, Arizona, in the areas of Staff Housing, Administrative Cost, Indian School Equalization Formula, facilities operation and maintenance, and school transportation.

ABSOLUTE NEED FOR STAFF HOUSING AT ROCK POINT COMMUNITY SCHOOL

Rock Point School requests funding for personnel housing. This request has three priorities:

1. Removal of asbestos from 23 housing units.
2. Renovation and reinsulation of all houses to save energy.
3. Construction of 22 additional units to accommodate additional staff. Rock Point will build a new Junior and Senior high school.

Rock Point Community School is located in the interior of the Navajo Reservation at least 120 miles away from any small urban settlement where housing can be available for non-community staff members to rent. The BIA housing needs were limited to a small number of staff members serving an elementary school. Since then the School has gradually grown into a middle and finally to a regular high school since 1982. The number of staff members serving has grown in the same proportion to 140 or more.

But the staff quarters number has remained unaltered except that in 1973 one house was built for some special need. Presently there are 4 houses each having two apartments each of one bedroom, 29 two-bedroom houses and 15 three-bedroom houses. This totals 48 houses. In view of the shortage of housing the old stone building built in 1919 for elementary classes, now in dilapidated condition too had been converted into one-bedroom apartments. Only 5 out of 8 such apartments are useable somehow. Thus, there is accommodation for only 57 staff members out of about 140 employees.

Of these houses, 14 of the two-bedroom apartments and 9 of the three-bedroom apartments have asbestos in the ceiling, floor tiles, sheetrock, and are vulnerable to crumbling and resulting in health hazards violating EPA requirements. Though the exterior of these houses are fair according to BIA coding, interior lacks many renovative works. The Stone building which houses 5 staff members and their families are poor to miserable all around. The state of these houses has remained in the backlog of BIA's Facilities Improvement & Repair (F.I.&R.) list now from 4 to 6 years. But nothing has been done so far, every year going through more and more deterioration and more and more need of repairs.

In the days when everybody is concerned about energy efficiency and environmental cleanliness, Rock Point School's quarters use roughly 35 to 40% more energy because of poor insulation in the houses. Heating system is based on oil fired furnaces causing more health and environmental problems. Electric systems too have problems as they do not have Ground Fault Interrupters (GFI) fitting near water sources, thus not in compliance with the safety code. Water supply to these houses as well as to the institutional building are provided by a well which stores water in two tanks. One of these is not functioning and the other stands badly in need of repairs. This situation, however, can be improved by repair.

The life expectancy of these houses are thirty to forty years if the proper care is taken at the right time. However, because of these problems being in the BIA's FI&R backlog now for a long time, the life span might have been reduced considerably.

Housing must be provided to those employees who do not belong to the community and those belonging to community but not having their own house. This is so as there is no house available in the neighborhood for rent or ownership, the entire neighborhood being in the reservation.

In view of all this, Rock Point School requests a total of \$3,365,420 in FY1994 BIA appropriations for the following:

1. (a) Remove Asbestos from the 23 houses
- (b) Renovate and Reinsulate all the houses to save energy
- (c) Install GFI in all existing houses
- (d) Replace Oil Fired Furnaces from all the houses and replace them with propane furnaces
- (e) Install fire escape windows in all houses
- (f) Install double pane windows and storm doors, and
- (g) Reshingle all houses
2. (a) Build 6 new duplexes to provide 12 one-bedroom apartments for those housed in the stone building and preserve its historical object. The 6 new duplexes can be 2 story apartments; this will take less land and less utility cost.
- (b) Build 10 new houses three of which should be three-bedroom houses and four two-bedroom houses.

A list of cost estimates is attached as Attachment 1.

ROCK POINT COMMUNITY SCHOOL'S PLIGHT OF CONTINUOUS SHORTFALL

Whether it be Indian School Equalization Program (ISEP), Administrative Cost, Operation and Maintenance of Facilities which are paid directly by BIA or funds such as Drug Free Schools, Special Education or Chapter 1 which are funded by the U.S. Department of Education but paid through BIA, Rock Point has experienced extreme difficulty in getting funds paid in full and on time. Whatever problem we are encountering is nothing new. It has been a perennial story of BIA's dealings with Rock Point Community School.

ISEP

Teachers, Counselors, and other employees' salaries have been increasing at roughly 4%. (We have been using Federal GS rate.) Employees also get a yearly step increase according to GS schedule if their performance evaluation has been satisfactory. This costs another 4% more. Cost of Fringe Benefits has also increased tremendously because of the high rise in the health insurance cost. Cost of services, and supplies of materials and equipment has also increased at approximately the same rate. But the dollar value of Weighted Student Unit (WSU) which is the basis of distribution of ISEP fund has gone down progressively. In School Year 90-91

It was \$2,708 and in SY91-92 it was \$2,834, a slight increase over the previous year funding. But in the current year it has plummeted to \$2,594, resulting in a drastic reduction of \$240 per WSU. BIA has admitted that this shortfall is the result of underestimation of student population and WSU when asking Congress for the School Operation funds.

The current estimation WSU value for the next School Year is \$2,672, \$162 less than last year's. This will mean in the SY93-94, two years later it will be \$162 less than that provided for in SY91-92. By then the cost of providing education to Indian children would have gone up by at least 8% at Rock Point.

If we take the base value of SY91-92 and simply include the minimum increase in the cost over two years at 4% per year only, the WSU value for SY93-94 should be \$3,065, not \$2,672.

Similarly Chapter I fund was put into our contract in July '92 but was not put into the payment system until late November '92. Drug Free Program and Special Education funds which are US Department of Education funds provided through BIA had not been available until mid-February, 1993. It should be noted that, like Chapter 1, Drug Free School fund as Special Education for Handicapped are US Department of Education funds and are forward-funded. The expenditure on these programs began on July 1, 1992. We have been unable to understand why these funds were not released by BIA on time. How is a contract school like Rock Point supposed to manage for so many months and with so many programs without any money available in actuality?

It appears that the reason for this shortfall, delays and non-entry of the funds in the payment system is BIA's unrealistic estimation of student enrollment three years ahead of time. One suggested solution to the chronic problem is to accept the ISEP Task Force recommendation of \$3,495 as base value of WSU plus 4% annual cost increase beginning from SY94-95. This should be coupled with an average annual enrollment growth to be determined by a demographic study conducted by an expert organization. For the Interim the base value of WSU as recommended, times WSU number increased at 4% per annum for the projected year should be the amount requested and approved by the Congress. Supplemental funding to make up for the recommended WSU value should be approved for SY93-94.

TRANSPORTATION

No doubt, shortfall in ISEP funding is very critical for Bureau operation. But without transporting students to and from home there cannot be any classroom instruction. Funding for transportation has never been adequately provided in these several years. Transportation funding paid for SY89-90 was \$1.15 per mile. It went up slightly to \$1.37 a mile for SY90-91. But for the SY91-92 it went, down to the same rate as that two years ago, namely \$1.156 per mile. This School Year it has gone up slightly to \$1.51 against the national mileage rate of more than \$2.00.

While these meager rates of mileage have been going slightly up and down, GSA raised its rental and mileage charges. On the average, bus rental went up by 97.3% and mileage by 31%. Though the Congress took steps to stop escalation of these charges in SY90-91, the moratorium was good only for one year. All BIA funded schools using GSA buses have to pay an average of 64% more now than in SY90-91.

While requesting appropriations for transportation, no consideration is given to the fact the roads are mostly unimproved rural roads, snowy and muddy in the winter and dusty and bumpy in spring and summer. This causes abnormally increased cost of maintenance and repair. The facilities where repairs and maintenance can be done are, in most cases at distances not less than 100 miles. In some cases the fueling facilities are 30 to 50 miles away. There is no count of mileage for these trips although National Task Force on School Transportation had recommended to include these miles also.

Consequence of this has been large dip into the ISEP fund which should have been used to hire qualified and devoted teachers and counselors at Department of Defense rate. This is evident from Rock Point Community School's data provided in Attachment 2.

We believe that Rock Point funding situation is universal for all BIA funded schools. If the education of Indian children is to meet the national standards and the goals of Indian Education 2000, some sort of legislative action has to be taken so that BIA does not underestimate and ask the Congress for considerably smaller appropriation for ISEP and Transportation. This can be done if Task Force recommendations both for ISEP and Transportation are implemented forthwith. A minimum base line is determined as recommended, a more accurate projection of enrollment is done and annual cost of living increase be added to the minimum base. The resultant figure should be the BIA request for appropriation.

ADMINISTRATIVE COST

Continuous shortfall because of underestimated request for Administrative Cost has affected all Grant and Contract schools over the years. But Rock Point Community School has been the worst sufferer. These are the most obvious reasons for the large shortfall in the Administrative Cost:

1. BIA has in the past rarely requested appropriation for the shortfall of ISEP calculated on the basis of another underestimated data used two to three year ago. It does not project accurately the funds coming from non-ISEP sources such as Operation and Maintenance of Facilities, Chapter 1/ Drug Free Schools or Special

Education Program for the Handicapped. Administrative Cost is paid on all these programs. It does not ask for the shortfall of Administrative Cost even on the Direct Cost base calculated much less than appropriate.

2. It appears that while preparing School Operation budget, BIA uses Direct Cost Base data of a convenient point of the year when all the additions to the base are yet to come. It does not take year end data for Direct Cost base over which it should apply the rate.

3. Whereas It tries to find money for the shortfall of ISEP, It does not try to do the same for Admin Cost or Transportation.

STATEMENT OF REV. LEO J. O'DONOVAN, S.J., PRESIDENT,
GEORGETOWN UNIVERSITY

Thank you for the opportunity to testify on the subject of the Fuel Cell Bus Program. To keep the program on schedule, we request the Committee provide \$2.5 million for FY 94 and continue to support the Fuel Cells for Transportation Program of the Department of Energy at a level to assure a successful conversion from the high emission, petroleum burning engines presently in use throughout transportation, to the environmentally acceptable, alternative fuel, fuel cell systems.

We would like to congratulate the Committee for having the foresight to sponsor the innovative Fuel Cell Bus Program. We have made significant progress in the past year with the first two of the three buses that will demonstrate this advanced technology, well into the fabrication stage. We expect the first bus to be rolled out in September and if all goes well it will be on display at the American Public Transit Association (APTA) International Public Transit Expo '93 in New Orleans in October.

Tests and analysis to date indicate that this first generation fuel cell bus will perform as expected and that the production units will exceed the performance offered by current diesel buses in terms of near zero emissions, fuel economy, passenger acceptance and life cycle costs. We expect the testing of these buses, which will be started with the funds we are requesting, will provide all the data we need to allow us to go into production for buses that will meet the needs of any public transit agency. The next step of this program will call for the production of small fleets of buses delivered to transit properties in selected states to demonstrate the suitability of the design to meet operational needs.

Again, as we mentioned in our FY 93 testimony, this bus program is the pathfinder program for the application of fuel cells for transportation and has given us a significant worldwide lead in the development of fuel cells for transportation. We have already been informed that transit properties in many states wish to place an order for these buses as soon as possible. Your continued support for this project and the associated DOE Fuel Cells for Transportation Program will allow us to maintain that lead and perhaps open up opportunity to export these buses to other countries where environmental problems are even more severe than those in our country.

On behalf of Rev. Leo J. O'Donovan, S.J., President of Georgetown University, we thank you for the opportunity to testify.

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